

Managing Unauthorised Encampments



West Midlands Police

and



Sandwell Council

**A protocol between West Midlands Police (Sandwell) and
Sandwell Council**

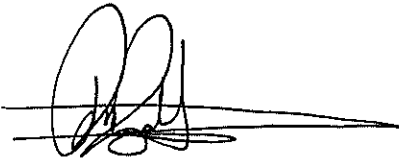
[ILO: UNCLASSIFIED]

1. What this protocol is about

This protocol sets out the management and enforcement action in respect of unauthorised encampments within the borough of Sandwell. This protocol should be read alongside the Unauthorised Encampments Policy.

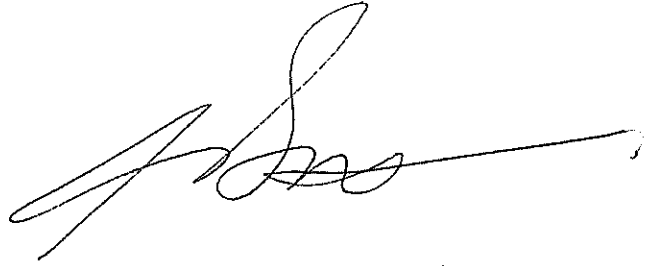
Where difficulties arise in using or interpreting this protocol, they should be referred to the Sandwell LPU Commander or the Sandwell MBC Chief Executive.

SIGNATORIES:



Ch./Supt Richard Baker

For Sandwell Local Policing Unit
Council (MBC)



Mr Jan Britton, Chief Executive

For Sandwell Metropolitan Borough

DATE: 30/7/18.

[ILO: UNCLASSIFIED]

2. Introduction

This document aims to guide council staff and police officers on how best to manage unauthorised encampments.

Please note that nothing in this document should be legally binding either the council or police to a specific course of action. It is an agreement, based upon co-operation and best practice, which may need to be revised as time goes by. Both parties to this agreement should agree any changes to the terms of the agreement in writing and should either party decide to end their commitments under the agreement, this should be done after a reasonable period of notice is given to the other party.

3. What this protocol aims to do

This protocol will apply to unauthorised encampments on land owned by the council. The council will not take steps to remove unauthorised encampments from private land. Its overall aim is to make sure the council and police respond in a unified and coordinated way to all unauthorised encampments on local authority owned land.

To achieve this aim:

- the council will maintain its database of all sites used for unauthorised encampments in Sandwell; and
- prompt action will be taken to bring about the timely, coordinated removal of unauthorised encampments.
- Sandwell council have created a transit site to allow the Police to use section 62

The council will maintain a database of sites used for unauthorised encampments together with the details of the owner(s). This information will assist the council and police to take steps or arrange for steps to be taken to prevent a trespass occurring. The information will more specifically help the council and the police to plan operations, analyse which sites unauthorised encampments most often occupy and decide if extra security measures are necessary.

The council's community alarms section will maintain a 24-hour telephone line to make sure its officers know of camps being set up in Sandwell. **The telephone number is 0121 569 3862.** Members of the public will be able to call this number and can leave a message when the office is closed. Police can contact the Corporate Action Co-Ordinator (Paul Reeves).

When the Police first attend the occupied land, they will start an OASIS incident log including:

- the date the unauthorised encampment arrived;
- how the unauthorised encampment got onto land;

[ILO: UNCLASSIFIED]

- the number of caravans and vehicles;
- the exact location of the site;
- details of livestock and dogs;
- steps taken locally to get the unauthorised encampment to leave;
- the identity of the landowner (and if they have been told of the camp);
- calls and complaints from the public about the unauthorised encampments conduct;
- anything valuable, sensitive or dangerous on the site;
- any immediate health or welfare needs; and
- steps to be taken to secure the property once the unauthorised encampment leave.

4. Evaluating the case for eviction

The council and police agree that the council will take the lead where the unauthorised encampments are on local authority owned land.

There will be circumstances where unauthorised camps clearly cannot stay and prompt action will have to be taken. Examples include camping on unsuitable sites such as:

- school grounds;
- playing fields;
- public car parks; and
- public amenities such as parks, open spaces and nature reserves.

Encampments situated on sites which deny other amenities to residents or which are situated on adopted highway or contaminated ground will also lead to prompt action being taken.

Police will consider acting where criminal activity or alleged criminal activity can be linked to the occupants of an unauthorised encampment.

The LA will carry out a needs assessment with police present to indicate any specific needs and to ensure any identified could be addressed on the transit site.

Police will serve a section 62 notice directing the group to Sandwell's transit site, if there is sufficient space available for the whole encampment on the transit site. The notice is served in writing and best practice is to serve a copy on someone from each caravan and a copy be kept by the Police and LA for any future enforcement action

[ILO: UNCLASSIFIED]

Unauthorised encampments instructed to move should be clearly told why. The reasons for making such a decision will always be applied consistently and recorded by Police on an OASIS log.

While the unauthorised encampments stay on the unauthorised site they will be expected to follow a code of conduct which is set out at **Appendix A of this protocol**. **The council will provide the occupants of the encampment with a copy of this code of conduct** on the initial visit to a site.

Council officers will email relevant internal departments as soon as it has checked the location of a reported camp and established who owns the land. Attached to this e-mail will be a location plan of the site to make it easier to identify.

Council officers together with the Police will, where possible, assess the unauthorised encampments needs within 2 hours of the council being notified of an unlawful encampment being set up, subject to Police availability. If a need is identified, a referral will be made to the relevant Council Service or the appropriate external agency within 24 hours or as soon as practicable thereafter. A needs assessment form is attached to this agreement at Appendix B.

Enforcement of the notice is the Police's responsibility but will take place at an agreed time between Police and LA when the appropriate resources are available.

5. Tolerating Unauthorised Encampments

There will be circumstances where an unauthorised encampment on council owned land might be tolerated for a short period. If this happens, then the length of any agreed stay would be decided based on the facts and circumstances of the individual case.

If a period of toleration is agreed, the council expects the unauthorised encampment to behave in an acceptable manner. Examples of behaviour which would not be acceptable include, but are not limited to: -

- fly tipping;
- failing to keep the site in a clean and tidy condition always;
- using the site for business activities
- engaging in anti-social behaviour.

Any agreed period of toleration will be revoked and the council will immediately start to evict groups who do not follow this basic code.

6. Powers available to the Council to remove unlawful encampments from Council land

[ILO: UNCLASSIFIED]

The council has many powers available to it when dealing with unauthorised encampments. Where a period of toleration is not appropriate or agreed, the council will consider using any of the following powers or any other power it deems appropriate: -

6.1 Part 55, Civil Procedure Rules

When an unauthorised encampment is camped without permission of the council on its land, the council can evict them by starting legal proceedings for possession of the land under Part 55 of the Civil Procedure Rules (CPR). These claims for possession are pursued through the County Court. During this process, legal documents must be served upon the unauthorised encampment and the council may ask the police to attend an occupied site when documents are served to make sure no breach of the peace happens.

6.2 Criminal Justice and Public Order Act (CJPOA) 1994 – Sections 77 & 78

Section 77 gives the council eviction powers if it appears that persons are for the time being residing in a vehicle or vehicles on the highway or on council land.

The council must give a direction to the unauthorised encampment to leave the land and remove the vehicle or vehicles and any other property they have with them on the land. This requires the council to serve a direction to leave notice on the occupants of the encampment by either giving it to them personally or attaching it to a vehicle and displaying it in a prominent place on the site. (An example of this is included in Appendix C.)

The unauthorised encampment will commit a criminal offence if they do not leave with their vehicles as soon as practicable after receiving the direction. They will also commit an offence if they return with a vehicle to the same land within 3 months

Section 78 gives Magistrates Courts the power to make a removal order in circumstances where the unauthorised encampment occupants have contravened a direction to leave issued by the council. This order would give the council the power to remove vehicles and property from the land.

Using this power is a LOCAL AUTHORITY responsibility and the offence of failing to move is likely to be prosecuted by the council. There is, however, nothing in the Act that specifically excludes the police from reporting or charging an individual with the offence if they become involved in the situation. The exercise of this power MAY involve the police when there is potential for disorder, in which case it remains a matter for local police judgement.

During the exercise of this power, legal documents must be served upon the unauthorised encampment and the council may ask the police to attend an occupied site when documents are served to make sure no breach of the peace happens.

6.3 Common Law

When the council decides to use its common law powers as a land owner to remove unauthorised encampments from its land using no more force than is reasonably necessary, the council may instruct certificated bailiffs and/or other suitably qualified enforcement officers to

[ILO: UNCLASSIFIED]

assist it in this task. The police will be asked by the council to attend evictions where it is considered that there is a risk of a breach of the peace.

6.4 Injunctions to protect land from unauthorised encampments

If a local site is particularly vulnerable and intelligence suggests it is going to be targeted for an unauthorised encampment, the council could consider applying to the courts for a pre-emptive injunction preventing the unauthorised encampment in a defined geographical area.

7. Powers available to the Police

7.1 Criminal Justice and Public Order Act (CJPOA) 1994 – Section 61

The Senior Police Officer attending an encampment can decide to use Section 61 powers to remove unauthorised encampments from Council land. This will generally be the Duty or Neighbourhood Sergeant. They should tell the Duty Inspector via the OASIS log or a personal call.

Before deciding to use section 61, the Senior Police Officer at the scene must be satisfied that two or more caravans are trespassing on the land and are present there with the common purpose of residing there for a period. The officer must also be satisfied that the council has taken reasonable steps to ask the unauthorised encampment to leave the land. Once satisfied on these points the section 61 power is triggered if the unauthorised encampments

- have between them, 6 or more vehicles on the land or
- have caused damage to the land or to the property on the land or
- used threatening, abusive or insulting words or behaviour towards an employee or agent of the council.

If satisfied on these points, the Senior Police Officer at the scene may direct those persons or any of them to leave the land and to remove any vehicles or other property they have with them on the land. (An example of this is included in Appendix D.)

If the unauthorised encampments do not comply with a section 61 direction by the given deadline, the police have powers of arrest and can impound vehicles. The occupants of the encampment must not return to the land within three months.

Section 61 powers cannot be used when the trespass occurs on highway land.

A decision by the police to use section 61 powers can often be taken when other enforcement measures are being actively considered or pursued by the council. A decision by the police to use section 61 powers should be communicated to the council as soon as possible to avoid the council incurring any unnecessary legal costs.

[ILO: UNCLASSIFIED]

7.2 Criminal Justice and Public Order Act (CJPOA) 1994 – Section 62 A-E

Section 62A allows the police to direct unauthorised encampments to remove themselves, their vehicles and property from land where a suitable pitch on a relevant caravan site is available within the same council area. This is provided that:

- at least two caravans are trespassing on the land;
- the unauthorised encampment has at least one vehicle on the land;
- the unauthorised encampment is present on the land with the common purpose of living there for any period;
- it appears to the police officer that a person has one or more caravans in his possession (or under his control) on the land, and that there is a suitable pitch on a relevant caravan site for that caravan (or each of those caravans); and
- the council or someone acting on their behalf has asked police to remove the unauthorised encampment from the land.

Section 62B empowers police to arrest and detain unauthorised encampments who do not leave when directed to do so under section 62A or if they return within three months after being directed to leave.

Section 62C authorises police to seize and remove vehicles and property from land. These vehicles will be impounded in an appropriate facility. A fee will be payable for their return.

Civil Injunction – issued by the High Court of Justice, Queens Bench Division – case no D90BM116

There is now in place an injunction that covers the borough of SW (see map in Appendix F) which gives the police a power of arrest to arrest specific individuals and ‘persons unknown’ who are part of an UE who refuse to leave the land that they are occupying. This injunction lasts for five years until 6/6/2023

It gives a power of arrest to anyone in breach of this injunction – see appendix G for full copy of this.

This power should be used as a last resort and must be used in a necessary and proportionate manner dependent on the size and behaviour of the UE. Other powers, such as negotiated stopping or s62 should always be considered before using this injunction’s powers as this gives the opportunity for a UE to move to the transit site.

Where it is practical to do so, a needs assessment should be carried out prior to enforcing this injunction.

Enforcement of this injunction is the Police’s responsibility but will take place at an agreed time between Police and LA when the appropriate resources are available.

[ILO: UNCLASSIFIED]

8. How to serve notices

If police go to an unauthorised encampment to serve notices, it is good practice for them to film the service of each notice and the site in general (but with attention to people present and the number and condition of vehicles).

Council officers and/or its agents serving notices in the legal process should take photographs where practicable showing how the notices were served. This can be useful evidence of service in subsequent court proceedings.

All notices served by either the council or the police must comply with statutory time limits and any other legal requirements.

A reasonable time will be allowed when giving unauthorised encampments 'notice to leave' an occupied site. It is not appropriate to order occupants of encampments to leave in the middle of the night. As good practice 24 hours' notice should be given, however where circumstances demand less notice can be given.



[ILO: UNCLASSIFIED]

Planning Enforcement**Directorate of Regeneration and Economy****Code of conduct for people occupying an illegal camp in Sandwell**

You are occupying land in Sandwell. Until you leave this land we ask that you:

- look after the land and do not damage fencing or other property;
- keep the land clean in the interest of hygiene and family health;
- do not dump rubbish on the land or foul it in any other way. If you put bags of rubbish in one central place, we will collect them. Don't leave bags all over the land;
- keep dogs and other animals under control. They must not be allowed to roam freely and must not annoy local residents/road users; and
- respect local residents, businesses and visitors to the land.

Please note that the council will not tolerate any intimidation, abuse or assault against officers or residents. We will report any such things to police and further action will be taken.

APPENDIX B

Needs Assessment

Unauthorised Encampment Initial Assessment / Welfare Checks

Date:

Address of Site:

Ⓐ Council Owned: Yes No

Ⓑ Private: Yes No

Ⓒ Is the site on:

A Park	<input type="checkbox"/>	Playground	<input type="checkbox"/>
Sports Pitch	<input type="checkbox"/>	Nature Reserve	<input type="checkbox"/>
Picnic Area	<input type="checkbox"/>	School or College premises	<input type="checkbox"/>
Highway	<input type="checkbox"/>	Other	<input type="checkbox"/>

Ⓓ Is the site within 50 meters of any buildings or houses/gardens?
Yes No

Ⓔ Is the site on a public highway, footpath or obstructing access?
Yes No

Method of Entry onto site:

Ⓕ Has any damage been done to property/Land? Yes No

Details:

General Condition of Site:

Ⓖ Is site listed as Contaminated? Yes No

[ILO: UNCLASSIFIED]

h) **Number of** occupants of encampments:
households:

Number of

i) **Number of Caravans or Living Accommodation:**

j) **Number of towing Vehicles:**

All Vehicles:

	Make	Registration No.		Make	Registration No.
1			7		
2			8		
3			9		
4			10		
5			11		
6			12		

Number of Children:

	Name of Child	Age		Name of Child	Age
1			7		
2			8		
3			9		
4			10		
5			11		
6			12		

k) **Are any children of school age enrolled in local schools?**

Yes No

[ILO: UNCLASSIFIED]

Details:

- ① **Are any children of school age supported by traveller's education officers?** Yes No

Name of teacher & Contact Details:

- Ⓜ **Do any Children have health issues or special needs?**

Yes No

Are they registered with a local GP? Yes No

- Ⓝ **Are any children under the age of 6 weeks?** Yes No
(if yes urgent referral to midwife service required)

Any other relevant needs of the children?

- Ⓞ **Do any of the Adults have health needs?** Yes No

- Ⓟ **Are there any Pregnant Women on site?** Yes No

When are they expecting?

- Ⓠ **Is anyone under the care of any medical doctor, consultant, Hospital, or nursing service etc?** Yes No

Details (if available):

- Ⓡ **Do any occupants of the encampment wish to be considered for housing under the homelessness legislation?**
Yes No

- Ⓢ **Are any of the occupants of the encampment employed locally or attending College/University in the area?**
Yes No

- Ⓣ **Is a move likely to prejudice these arrangements?**
Yes No

Any other relevant needs identified:

[ILO: UNCLASSIFIED]

Signed:

Print Name:

Designation:

Date:

(Director)

Eviction is not immediately enacted for all encampments. Factors such as location, use of the land, health and social issues contained within the Policy are considered and toleration is exercised to permit a short occupation of the land where appropriate.

I have considered the information identified on this needs assessment in line with the Public Sector Equality Duty towards communities and their protected characteristics and certify that:

* Through advice and guidance from this assessment, other actions have been identified prior to applying for possession. This assessment should be reviewed on

* Having considered the appropriate inquiries, I can find no reason why possession proceedings should not proceed.

* A request is made to Sandwell Police Unit to consider using their powers accordingly.

Signed:

Print Name:

Designation:

Date:

*delete as necessary

[ILO: UNCLASSIFIED]

Referral Check List

	Referred to?	
	Yes	No
Refer to Health Visitor Service if (m), (n) and/or (o) is answered Yes		
Refer to Education if any Children are over the age of 4.		
Refer to Midwifery Service or GP if (p) and/or (q) is answered Yes.		
Refer to Housing Options (Court House, West Brom, 569 6000 option 3) for (r) is Yes		
Section 61 referral to LPU if (b), (c), (e), and/or (f) is answered Yes.		

Consider other options if (s) and (t) are **Yes**

	Yes	No
Toleration is recommended (new date for reassessment made)		
Possession proceedings commenced (Part 55 of CPR or s.77 of CJPO Act 1994)		
Common Law (use of High Court Enforcement Officers/Bailiff)		
Request to Sandwell Police Unit to use their powers (s.61 & s.62 of CJPO Act 1994).		

[ILO: UNCLASSIFIED]

Appendix C

Local Authority Direction to Leave

Notice (section s77 & 78 CJPOA)

Local Authority 'Direction to Vacate Land'

Notice Reference Number:

TO: ALL PERSONS PRESENTLY OCCUPYING

(Address)

1. The land/highway which you are on is in the control of Sandwell Metropolitan Borough Council. The consent and approval of the council to your presence on this land has neither been sought nor given.
2. You are occupying the land as trespassers and are present with the common purpose of residing there.
3. You are hereby required to leave the land and remove all vehicles and any other property you have on the land (*spec time*) upon receipt of this notice.
4. If you fail to vacate the land by (*spec time*), legal/further action will be taken to obtain possession of the land.
5. It is a criminal offence not to leave this land as soon as practicable, or to return within 3 months (Section 77 of the Criminal Justice and Public Order Act 1994).

Important - You Should Comply With The Code Of Conduct At All Times.

Dated This:

Signature:

Unauthorised Encampment Enforcement Officer

[ILO: UNCLASSIFIED]

Police Direction to Leave Notice

(Section 61 CJPOA)

Section 61 Notice - Criminal Justice and Public Order Act 1994

I.....
an officer of West Midlands Police serving at Smethwick Police Station and the senior police officer present, am directing you in accordance with Section 61 of the Criminal Justice and Public Order Act 1994 to leave this land by which is situated at

because:

I believe that two or more of you are trespassing on the land; AND

you are present with the common purpose of residing on the land (for any period);
AND

reasonable steps have been taken by or on behalf of the occupier of the land to ask you to leave;

AND IN ADDITION TO THE ABOVE-

(a) one or more of you has caused damage to the land or property on the land;
AND/OR

(b) one or more of you has used threatening, abusive or insulting words or behaviour towards the occupier, a member of his family or an employee or agent of his;
AND/OR

(c) you have between you six or more vehicles on the land.

[ILO: UNCLASSIFIED]

If you fail to leave the land as soon as reasonably practicable OR re-enter the land as a trespasser within THREE months of this direction, you commit an offence and render yourself liable to arrest without warrant and to prosecution. The maximum penalty (on conviction) for failing to comply with these directions is three months imprisonment and / or a fine.

The following vehicles are on the land – make, model and registration to be listed:

On leaving the land you are required to remove any vehicles or other property which you have with you on the land.

If you fail to leave the land the Police have the power to seize any vehicles that remain on the land, a charge will be levied for vehicles which have to be removed by the Police.

Signed:

Witnessed (officer):

Time:

Date papers served:

Date and time required to leave by:



Serving our communities, protecting them from harm
www.west-midlands.police.uk

Find us on:



[ILO: UNCLASSIFIED]



Direction to Leave Land

(Section 62A Criminal Justice and Public Order Act 1994)

You are directed to leave the land known as _____
and to remove any vehicle and any other property you have with you on that land.

You must leave the land as soon as reasonably practicable.

The relevant local authority for this land is **Sandwell Council**

The relevant local authority has been consulted and has confirmed that there are suitable pitches available for the caravans on this land in your possession or under your control at **the allocated site on Boulton Road, Smethwick**

I have the power to give this notice, as the following conditions are met:

- You are trespassing on this land with at least one other person.
- You have between you at least one vehicle on the land;
- You are present on the land with the common purpose of residing there for any period;
- It appears to the officer that the person has **one or more** caravans in his/her possession or under his/her control on the land, there is a suitable pitch on a relevant caravan site for caravans on this land in your possession or under your control; and
- Representatives from _____
(The Landowner) have asked the police to remove the trespassers from the land.

Warning

CRIMINAL OFFENCE AND ARREST

If without reasonable excuse you do not leave this land as soon as reasonably practicable you commit an offence for which you may be **arrested and prosecuted**.

If, without reasonable excuse, **you re-enter** any land in the area of the relevant local authority as a trespasser and with the intention of residing there **within three months** of this direction being given you commit an offence for which you may be arrested and prosecuted.

If convicted of either of these offences, you may be **imprisoned for up to three months**, or fined or both.

[ILO: UNCLASSIFIED]

SEIZURE OF VEHICLES

If without reasonable excuse you fail to remove any vehicle under your possession or control from the land as soon as reasonably practicable after the service of this direction then the police have the power to seize any vehicles that remain on the land.

If without reasonable excuse you re-enter **any land** in the area of the relevant local authority as a trespasser with a vehicle and with the intention of residing there within three months of this direction being given, a constable may seize and remove the vehicle.

The following vehicles are on the land:

	DESCRIPTION	REGISTRATION NUMBER
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		

Responsible Officer:
(Inspector or above)

Date:

Serving Officer:

Date

[ILO: UNCLASSIFIED]

APPENDIX E

Useful telephone numbers

Neighbourhood police teams' extensions after dialling 101:

Abbey and Smethwick (SWBE and SWBN) - 7913 6103

Tividale and Rowley (SWBR and SWBM) – 811 6003

Cradley Heath and Blackheath (SWBH and SWBF) - 811 6003

Langley, Bristnall and Old Warley (SWBJ, SWBG and SWBK) – 7916 6237

Soho/Victoria (SWBP) – 7913 6104

Oldbury (SWBL) – 7630 6813

St Paul's (SWBQ) – 7913 6107

Charlemont and Hateley Heath (SWAK and SWAQ) – 811 3119

Friar Park and Wednesbury South (SWAL and SWAV) – 7912 6602

Great Barr and Newton (SWAM and SWAR) – 811 3122

Great Bridge and Tipton Green (SWAN and SWAT) – 7630 6824

Princes End (SWAS) – 7630 6804

Greets Green and Lyng (SWAP) – 811 3124

Wednesbury North (SWAU) – 7912 6391

West Bromwich Central (SWAW) – 811 3136

Community and Priorities Team (CAPT) – 812 6114

[ILO: UNCLASSIFIED]

Other Service Providers:

Citizens Advice – 0121 558 8500

Social Services – 0845 359 7525

Red Cross – 08448 710 087

Race Equality Sandwell – 0121 541 1774

Russells Hall Hospital – 01384 456 111

Samaritans – 08475 909 090

Sandwell Womens Aid (domestic violence) – 0121 553 0090

Sandwell Womens Aid - Independent sexual violence advisor – 0845 055 9597

RELEASE – Health, welfare and legal needs for drug/alcohol matters – 0845 450 0215

Support for families of drug users – 0207 928 8898

Sandwell Council (homelessness) – 0121 569 6000 (option 3)

Medical advice/local drop in centres – 111

Police/ Fire/Ambulance Service - 999

[ILO: UNCLASSIFIED]

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION

Case ref: **D90BM116**

Before HHJ McKenna sitting as a Deputy Judge of the High Court
B E T W E E N :-

THE BOROUGH COUNCIL OF SANDWELL

Claimant

-and-

- (1) JOHN CASSIDY (date of birth 30 November 1972)
- (2) MARY CASSIDY
- (3) JOHNNY CASSIDY
- (4) MARTIN CASSIDY
- (5) PATRICK CASSIDY (date of birth 26 June 1977)
- (6) KATRINA CASSIDY
- (7) KATHLEEN CASSIDY
- (8) MARGARET CASSIDY
- (9) JEREMY CASSIDY
- (10) JEREMIAH CASSIDY
- (11) EILEEN CASSIDY
- (12) ELIZABETH CASSIDY
- (13) WILLIAM CASSIDY
- (14) ANDREW CASSIDY SENIOR
- (15) PERSONS UNKNOWN



Defendants

ORDER

PENAL NOTICE

IF YOU THE WITHIN NAMED FIRST TO FOURTEENTH DEFENDANTS OR
PERSONS UNKNOWN DISOBEY THIS ORDER OR INSTRUCT OR

[ILO: UNCLASSIFIED]

ENCOURAGE OTHERS TO BREACH THIS ORDER YOU MAY BE IMPRISONED, FINED OR HAVE YOUR ASSETS SEIZED.

ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS THE DEFENDANTS TO BREACH THE TERMS OF THIS ORDER MAY ALSO BE HELD IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE THEIR ASSETS SEIZED

UPON HEARING Counsel for the Claimant and the Defendants being given notice of the application but not attending

AND UPON reading the witness statements of Mark Bowhay and PC Tracey Dudley and the papers filed herein and considering the provisions of section 1 of the Anti-social Behaviour, Crime and Policing Act 2014, section 222 of the Local Government Act 1972 and section 187 of the Town and Country Planning Act 1990 and section 27 of the Police and Justice Act 2006

IT IS ORDERED THAT:

John Cassidy

1. The First Defendant John Cassidy is forbidden whether by himself or by instructing or encouraging or permitting any other person from:
 - a. Using or threatening violence against any person in the Borough of Sandwell
 - b. Engaging in conduct causing or likely to cause a nuisance or annoyance to any person within the Borough of Sandwell;
 - c. Removing or damaging any padlock, lock, bolt or other means of securing any location within the Borough of Sandwell;
 - d. Entering the Borough of Sandwell.
2. This order may be served on the First Defendant by leaving a hard copy of all documents in his presence or on a site he is known to be occupying and his being informed that these are court documents for service upon him or by any other means of service authorised by the Court upon the other Defendants.
3. This order will remain in force until 6 June 2028.
4. A power of arrest shall be attached to this paragraph of this order, which will remain in force until 6 June 2028.

[ILO: UNCLASSIFIED]

Second to Fourteenth Defendants

5. The Second to Fourteenth Defendants are forbidden whether by themselves or by instructing or encouraging or permitting any other person from:
 - a. Engaging in conduct causing or likely to cause a nuisance or annoyance to any person within the Borough of Sandwell;
 - b. Removing or damaging any padlock, lock, bolt or other means of securing any location within the Borough of Sandwell;
 - c. Depositing, leaving or dumping any rubbish, building materials, waste products or other refuse anywhere in the Borough of Sandwell;
 - d. Setting up an encampment anywhere within the Borough of Sandwell with the exception of the official transit site on condition that the Defendants abide by the terms and conditions of the transit site or with the express permission of the landowner;
 - e. Entering or occupying for residential purposes any land within the Borough of Sandwell with the exception of the official transit site or with the express permission of the landowner;
 - f. Entering or occupying any land within the Borough of Sandwell with vehicles other than to drive through the Borough of Sandwell without stopping otherwise than in the normal course of traffic or in an official car park or on the Claimant's official transit site or with the express permission of the owner of the land.
6. This order will remain in force until 6 June 2023.
7. The Court being satisfied that there is a risk of harm to persons in the locality from the conduct hereby restrained, a power of arrest is attached to this order whereby any constable may, under the power given by section 27 of the Police and Justice Act 2006, arrest without warrant any person if he or she was reasonable cause to believe that the person is in breach of the provisions of paragraphs 5 of this order. This order will remain in force until 6 June 2023.
8. This order may be served on the Second to Fourteenth Defendants by
 - a. affixing a copy of it in a transparent waterproof envelope in a prominent position on any land known to be occupied by the Defendants or any of them;
 - b. publishing it in a newspaper such as
 - Express & Star.

[ILO: UNCLASSIFIED]

- Oldbury Weekly News.
 - Smethwick Telephone.
 - Tipton Herald.
 - Wednesbury Herald.
 - West Bromwich Chronicle.
- c. Publishing it on the Claimant's website, Facebook page and Twitter account.
- d. Service on the First Defendant in the manner set out in paragraph 2 above which is deemed to be service on the Second to Fourteenth Defendants 24 hours after service upon the First Defendant.
9. The Claimant undertakes to use reasonable endeavours to serve the named Defendants personally.

Fifteenth Defendants (Persons Unknown)

10. The Fifteenth Defendants are forbidden whether by themselves or by instructing or encouraging or permitting any other person from:
- a. Setting up an encampment anywhere within the Borough of Sandwell with the exception of the official transit site or with the express permission of the landowner;
 - b. Entering or attempting to enter or occupying or attempting to occupy for residential purposes any land within the Borough of Sandwell with the exception of the official transit site or with the express permission of the landowner.
11. This order will remain in force until 6 June 2023.
12. The Court being satisfied that there is a risk of harm to persons in the locality from the conduct restrained by paragraph 10 above, a power of arrest is attached to this order whereby any constable may, under the power given by section 27 of the Police and Justice Act 2006, arrest without warrant any person if he or she has reasonable cause for suspecting that the person is in breach of the provisions of paragraph 10 of this order. This order will remain in force until 6 June 2023.
13. This order may be served on the persons unknown by

- a. affixing a copy of it in a transparent waterproof envelope in a prominent position on any land known or anticipated to be occupied by the Defendants or any of them;
- b. publishing it in a newspaper such as
 - Express & Star.
 - Oldbury Weekly News.
 - Smethwick Telephone.
 - Tipton Herald.
 - Wednesbury Herald.
 - West Bromwich Chronicle.
- c. Publishing it on the Claimant's website, Facebook page and Twitter account.

Definitions

14. In this order:

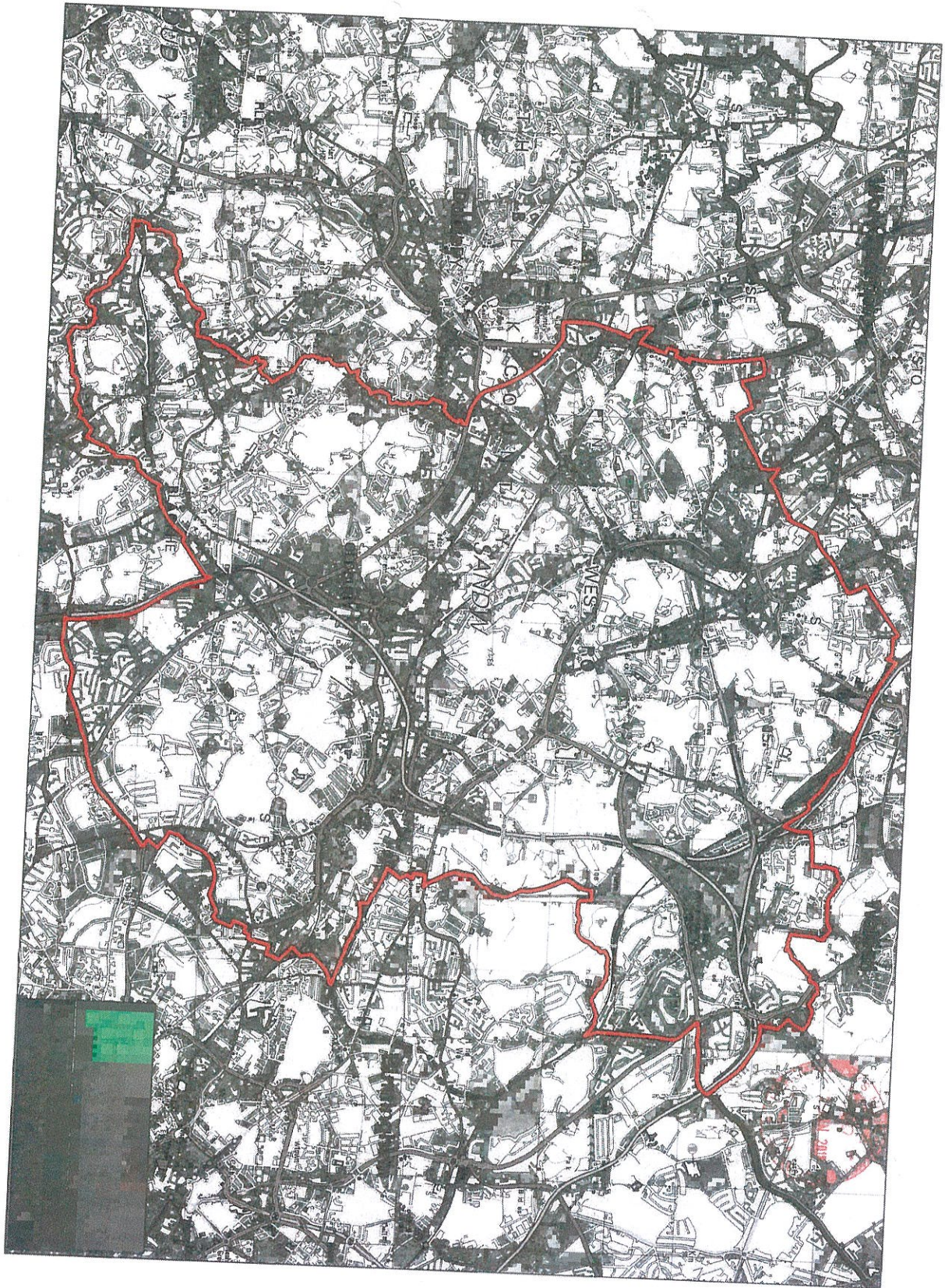
- a. The Borough of Sandwell means the area outlined in red on the map annexed hereto marked Map 1;
- b. "Encampment" means using land for residential purposes, whether temporary or otherwise, including the occupation of caravans, mobile homes, or other vehicles, the use of furniture or the storage of vehicles, caravans or other items and "residential purposes" means using the land as a home whether temporary or otherwise.
- c. "Land" does not include buildings.
- d. "The Official transit site" means the caravan site at Boulton Road, Smethwick B66 2LL as shown coloured green on the map annexed hereto marked Map 2;
- e. A person who is ordered not to do something must not do it by himself or in any other way such as by others acting on his behalf, on his instructions or with his encouragement.
- f. Reference to "the Defendants" means each or all of them save as otherwise stated.

15. It is a contempt of court for any person notified of this order knowing to assist in or permit a breach of this order. Any person doing so may be sent to prison, fined, or have his assets seized.

[ILO: UNCLASSIFIED]

16. The First to Fourteenth Defendants shall pay the Claimant's costs of this application summarily assessed in the sum of £15,640.50.
17. The Defendants or any of them or any person affected by this order may apply to the Court on 48 hours' notice in writing to the Claimant to vary or discharge this order.
18. Any communications to the Court about this order should be sent to Room WG08, Royal Courts of Justice, Strand, London WC2A 2LL. (tel 0207 947 6010).

[ILO: UNCLASSIFIED]



[ILO: UNCLASSIFIED]

