



Inspector Scott Adams
Cumbria Constabulary
Carleton Hall,
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CA10 2AU

5th July 2022

Dear Acting Inspector Adams,

I am pleased to see that the travellers have moved on from their illegal encampment Mossbay (Jane Pit) following the Notice to Leave Land served by Allerdale Borough Council. It is encouraging to see a local authority, despite the limited powers available to it, working in interests of council tax-paying residents. However, you will not be surprised to learn that I have already received a number of complaints about the latest encampment in the Harrington marina area which appears to have been established by the same group who have so recently quit the Mossbay playing field site.

In your most recent email, you referred to reports of criminal behaviour relating to the travellers at Mossbay (Jane Pit) – including the breaking of a lock to gain access. Regrettably, it was determined that there was insufficient evidence to meet the threshold for the evidential test – and that there was no realistic prospect of conviction. I would be grateful of an overview of when and how this conclusion was reached, including the evidence-gathering steps taken. I have requested this information to satisfy myself and my constituents that the investigation into this crime has been sufficiently rigorous. To borrow the legal phrase you have cited, several constituents feel that there is an element of “*reasonable doubt*” on this score. There is a question mark in the public’s perception as to whether all avenues have been exhausted.

This brings me to your second point regarding the wording of the Unauthorised Encampments (PCSC Act). I have attached copies of the relevant passages in the NPCC Operational Advice, and also from the Statutory guidance on Unauthorised encampments (highlighted). This has now been distributed to police forces and explains what “*significant*” means, and some of the contexts in which it would apply (while acknowledging that the list is not exhaustive). Obviously, the guidance cannot cover every possible circumstance, but it has given an explanation as to key considerations police should take into account. I would add that the NPCC has been involved in the drafting this guidance.

I would hope that Cumbria Constabulary is not splitting hairs to avoid enforcing new legislation designed to address illegal encampments. My understanding is that the use of the word is used in this context is to keep the legislation ECHR compliant: it is not an excuse for the Police to do nothing or for legal teams to seek out **perceived** loopholes in the legislation. Whilst senior officers have some leeway in terms of interpreting the new rules, *my colleagues have assured me that the clear intention is that police chiefs are as forward leaning within the scope of this new power as possible. It is also worth remembering that this is just one element of the powers.* The Government has also strengthened existing powers (e.g. S.61 and S.62) so that the police can disperse unauthorised encampments now for up to 12 months, extended from 3 months as it was



previously. I am disappointed that Cumbria Constabulary has not only failed to make use of its previous and existing powers: and may now be looking at ways to avoid making use of new ones. Again, I am yet to see any evidence that dealing proactively with these encampments remains a “*policing priority*” despite the Chief Constable’s assurances. Even when Cumbria Constabulary is presented with clear evidence of criminal behaviour from the travelling community, inaction appears to be the default position.

Semantic arguments about the weight that should (or should not) be attached to the word “*significant*” is a distraction. The pre-existing National Police Chiefs’ Council’s ‘*Operational Advice on Unauthorised Encampments*’ is clear on what Cumbria Constabulary should be doing. To recap, the guidance advises that forces should consider becoming involved in bringing about the prompt and lawful removal of unauthorised encampments, including the use of police powers under Section 61 or 62 of the Criminal Justice and Public Order Act 1994 *in those instances where these encampments serve to deprive communities of local amenities or have a significant impact on the environment.*

This would include forming an encampment on any part of a recreation ground, public park, school field, village green, or depriving the public use of car parks. *The encampment at Mossbay (Jane Pit) and its successor camp at Harrington Marina both fall into this category – notwithstanding any quibble or confusion over the wording of the [new] Unauthorised Encampments (PCSC Act).* Travellers have broken a gate and have taken over their third (this year) children’s playing field, depriving the community of an amenity. This week, boulders have been moved to allow the travellers to gain access to the Harrington Marina site (another clear instance of criminal damage, and travellers occupying a local amenity/community asset). Loss of enjoyment of property by the landowner is, in and of itself, damage. The guidance is clear - “*property*” in relation to damage to property on land, means property within the meaning of section 10(1) of the [1971 c. 48.] Criminal Damage Act 1971; and damage includes the deposit of any substance capable of polluting the land. And in case law - “*Damage is not defined by the Act. It should be widely interpreted to include not only permanent or temporary physical harm, but also permanent or temporary impairment of value or usefulness*” - *Morphitis v. Salmon* [1990] Crim.

Police have significant powers at their disposal both new and old. When travellers previously pitched up at Harrington Maria, there were numerous reports of antisocial behaviour – as we discussed at our last meeting. Again, none of these powers were used. I look forward to a more robust response in this case, alongside regular updates in relation to the resolution of the above matters. I reiterate my calls for the police to *police* – to proactively make their new powers, whether new or old, work in the interests of the law-abiding majority.

Yours sincerely

Mark Jenkinson MP