



**Mark
Jenkinson MP**

**Councillor
Mike Johnson**

Michelle Skeer
Chief Constable
Police Headquarters
Carleton Avenue
Penrith
CA10 2AU

1st September 2021

Dear Michelle

We are writing to express our shared concerns over Cumbria Constabulary's ineffectual response to the criminal behaviour of travellers.

We have recently been made aware that windows at the Workington Leisure Centre have been deliberately broken, with CCTV evidence appearing to show that at least one of the perpetrators came from a nearby traveller site. Reports have also been received that, before they moved on, travellers were throwing soiled nappies and glass bottles into the nursery playground at Islay Place (despite the fact we know the travellers have access to cars, and therefore to Household Waste Recycling Centres). Concerns have now been raised regarding the latest unauthorised encampment in the Ashfield area with reports of criminal behaviour, including travellers driving on the pavement.

We would appreciate an update on the steps being taken to respond to these issues, and the wider problems associated with these illegal sites. While dealing with unauthorised encampments requires multiagency cooperation and Allerdale Borough Council is absolutely committed to playing a leading role in this, it remains the responsibility of the Cumbria Constabulary to uphold the law fairly and firmly; to prevent crime; and to protect, help and reassure the community.

Unfortunately, it appears that those members of the gypsy and traveller community who choose to break are doing so with impunity. The council taxpayers of Allerdale are understandably aggrieved. It appears to be one rule for the settled community, and another for the Travellers. It is a fundamental principle that the rule of law requires that every case which is alike should be treated the same.

The Equality Act 2010 quite rightly makes it unlawful to treat someone **less favourably** because of their protected characteristics. However, this legislation should not present an excuse to treat minorities **more favourably** when they engage in criminal behaviour. Political correctness should never be a barrier to enforcing the law and we would urge the Police to make use of the considerable powers they have at their disposal to take robust and appropriate action.

As you know, the local authority has no power to move travellers on unless they are camped on their land. Even then, the council has much more limited powers than the Police – and these procedures take considerable time. The council must show that gypsies or travellers are on the land without consent; make enquiries about general health, welfare and children's education; ensure that the Human Rights Acts 1998 has been fully complied with; follow a set

procedure to prove ownership of land and details of the illegal encampment that will enable them to successfully obtain an order from the Courts to order the gypsies or travellers to leave the site.

In contrast, the Police do have significant powers under the Criminal Justice and Public Order Act 1994 (Sections 62-64) to seize vehicles or move on unauthorised encampments. I welcome the fact that as part of the landmark Police, Crime, Sentencing and Courts Bill, new laws will be introduced to increase the powers available to the police in England and Wales.

Loss of enjoyment of property by the landowner is damage, but many of these unauthorised encampments result in significant issues of flytipping. 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 so is 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.

We would urge you to make use of the considerable powers at your disposal to tackle the antisocial and criminal behaviour associated with the encampments in this constituency. We also appreciate the challenges faced by Cumbria Constabulary which is why I welcome that the county now has more Police officers than ever before in its history. The spreadsheets provided by Cumbria Police regarding traveller sites are very useful, but we would appreciate an update that addresses the specific issues outlined in this letter.

Yours sincerely



Mark Jenkinson MP



Mike Johnson, leader of Allerdale Borough Council

cc: Peter McCall, Police and Crime Commissioner)