

Unauthorised Encampments

Overview & Scrutiny Committee 17 January 2023

Introduction

- Council Motion 30 November 2022 –

‘That the Overview and Scrutiny be asked to consider ways in which the district council can assist town and parish councils in the area with legally moving on illegal encampments on their land (including land leased from the district council) as quickly as possible, and to at least the same level that they are able to deal with incursions on their own land.’

To Be Covered...

- **Background** – Experience with unauthorised encampments in the district and legal powers available.
- **Working with Towns and Parish Councils** – What support is provided?
- **What more can be done?** – Police reporting, target hardening, and negotiated stopping agreements.

Background

- **Activity –**
 - Number of Unauthorised Encampments 2018-2022 - 164
 - ASB reports
- **Legal Powers Available –**
 - Landowner – Common Law, s55 Civil Procedure Rules
 - Local Authority – s77/s78 CJPOA 1994
 - Police – s61/s62 Criminal Justice & Public Order Act 1994 with powers strengthened by Part 4 Police, Crime, Sentencing and Courts Act 2022
- Police can directly evict under s61.

Working with Towns and Parishes

- Support Provided –
 - Providing information and sharing experience with town/parish council
 - Joint visit with uniformed Enforcement Officer
 - Mainly to support town/parish council
 - Ask trespassers to vacate land
 - Welfare Checks – can be shared with Court to show eviction was not detrimental to health and safety
 - Photos of encampment where appropriate
 - To serve paperwork – Notices
 - Share intel with Police if group are known
 - Share contacts of Bailiffs FHDC use

Working with Towns and Parishes

- Constraints
 - Financial – cost of legal support and bailiffs for non-council land.
 - Enforcement Team workload, priorities and commitments.
 - Legal Team workload and restrictions on private legal work for TPCs.

What more can be done?

- **ASB Reporting to Police**
 - Use of 101 number or online reporting.
 - Experience is that ASB is under-reported.
 - Incident reporting used in the assessment for use of s61 powers.
- **Target Hardening**
 - Exposed entrances, open spaces, previous encampments.
 - Will make access difficult, but not impossible.
- **Negotiated Stopping**
 - Limited period of time, based on behaviours and agreement with TPCs

Thank you.