

Report To:	SCRUTINY PANEL A	Date:	13 NOVEMBER 2018
Heading:	SCRUTINY CONSIDERATION OF DRAFT UNAUTHORISED ENCAMPMENT PROTOCOL		
Portfolio Holder:	CABINET MEMBER (OUTWARD)		
Ward/s:	ALL		
Key Decision:	No		
Subject to Call-In:	No		

Purpose of Report

In accordance with the Scrutiny Workplan, this item was agreed to consider the detail and potential impact of unauthorised encampments on parks and open spaces in the District. The draft Unauthorised Encampment Protocol is attached as Appendix A.

Recommendation(s)

- Note the information contained in this report;
- Review the draft Unauthorised Encampment Protocol attached as Appendix A
- Consider any areas for improvement
- Consider the potential impact of the draft Protocol on Local Communities, Travellers and other stakeholders

Reasons for Recommendation(s)

Unauthorised Encampment was added to the Scrutiny Workplan in October 2018.

Alternative Options Considered

No alternative options considered at this stage.

Detailed Information

As set out in the draft Unauthorised Encampment Protocol; an unauthorised encampment is a group of people trespassing on land with the intention of residing there, either permanently or temporarily, without the permission of the landowner. An unauthorised encampment occurs when people in moveable accommodation, such as vans, trailers, and caravans move onto land that is owned, either

publically or privately. Unauthorised encampments often include Gypsy and Traveller sites, protest camps and squatter sites.

Unauthorised Encampments Nationally

Nationally, unauthorised encampments remain a significant issue, with many sites concerning the encampment of Gypsies and Travellers. In July 2017, it was found that the total number of Traveller caravans throughout England stood at 22,792, an increase of 33% over the past decade.¹ In July 2017, 16% of those Traveller caravans resided on unauthorised encampments.² Unauthorised encampments are often a source of high tension between travelling and settled groups, leading to significant community distress and disruption.

Issues that unauthorised sites can cause include:

- Trespassing on private land
- Damaging property
- Extensive litter and waste
- High public and private cost of cleaning and/or protecting unauthorised sites
- Increased noise and antisocial behaviour
- Development without planning permission

To deal with unauthorised encampments, the issues that follow them, and to protect green spaces, the Government grants local authorities extensive and robust powers to take enforcement action against illegal sites.³

The powers that local authorities can utilise include:

- Temporary Stop Notice
- Injunctions to protect land
- Caravan site licensing
- Tent site licensing
- Possession orders
- Local Byelaws
- Power to direct unauthorised campers to leave
- Planning contravention notices
- Enforcement notice
- Stop Notice
- Breach of Condition Notice
- Powers of entry onto land

Local authorities are advised to consider the range of powers available to them and any site specific factors when deciding which course of action to take.

Local authorities are also granted post site clean-up powers, which include:

- Removal of waste from land

¹ Gypsies and Travellers Briefing Paper, *House of Commons Library*, May 2018.

² Gypsies and Travellers Briefing Paper, 2018.

³ Dealing with Illegal and Unauthorised Encampments: A Summary of Available Powers, *Department for Communities and Local Government, Home Office, Ministry of Justice*, March 2015.

- Remove anything abandoned without lawful authority
- Clearing of land
- Power to deal with accumulations of rubbish in the open air
- Power to seize a vehicle

Unauthorised Encampments in Ashfield

As the issue of illegal encampments has grown in significance nationally, the issue has intensified in Ashfield. Locations such as Sutton Lawn, Leamington Twitchell Park, and Strawberry Bank Huthwaite have been site to numerous unauthorised encampments over the past year.

In response to this, Ashfield District Council have been working to revamp their approach in dealing with unauthorised encampments. This new approach includes:

- Conducting regular security checks on parks and open spaces
- Changing, reinforcing, and adding locks
- Considering potential deterrents
- Working collaboratively with neighbouring authorities
- A new Unauthorised Encampment Protocol

Draft Unauthorised Encampment Protocol

The draft Unauthorised Encampment Protocol, included as Appendix A, spearheads Ashfield District Council's work to revamp the procedure of evicting unauthorised campers. The Protocol aims to expedite the steps taken to evict unauthorised campers and minimise community disruption, damage.

Included within the draft Unauthorised Encampment Protocol:

Principles:

This section sets out the manner in which ADC will manage unauthorised encampments. This refers to:

- Treating groups or individuals illegally encamping with respect and fairness, including welfare checks and civil negotiation
- Coordinated partnership with the Police
- Compliance with legislation
- Maintaining communication
- Intention to pursue the criminal justice route

The Protocol Process:

This section details the default procedure Ashfield District Council will employ for unauthorised encampments, with considerations made on a case by case basis. Included within this:

- Establishing the ownership of land
- Procedure for private land and Council land
- Consideration of welfare needs
- Management of encampments
- Out of hours reporting process
- Communication procedure

Next steps

To progress consideration of this topic Members will be required to:

- Consider any additional information required;
- Timelines for review;
- Consideration of Officers that may be able to add value to the review.

Implications

Corporate Plan:

Ensure the foundations for a good quality of life are in place; reducing crime and anti-social behaviour and facilitating cleaner and more attractive neighbourhoods.

Legal:

The draft Protocol has been developed in collaboration with Legal Services.

The power to issue a Direction to Leave Notice derives from the Criminal Justice and Public order Act 1994.

The Power to seek possession derives from the part 5 of the Civil Procedure Rules.

Powers in relation to planning enforcement derive from the Town and Country Planning Act 1990. Police Powers relating to unauthorised encampments derive from the Criminal Justice and Public Order Act 1994.

Finance:

None at this stage, costs associated with actions contained within the draft Protocol will be considered as part of this review process.

Budget Area	Implication
General Fund – Revenue Budget	None
General Fund – Capital Programme	None
Housing Revenue Account – Revenue Budget	None
Housing Revenue Account – Capital Programme	None

Risk:

Risk	Mitigation
Unauthorised encampment can	

often cause social tensions within communities.	The draft Protocol is aimed at working with communities and travelling communities to set out processes for management, welfare needs, environment and communication.
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Human Resources:

None at this stage of the review

Equalities:

The Equality Act 2010 defines Romany Gypsies and Irish Travellers as ethnic groups within its protected characteristics. Consideration of equality issues will be undertaken as part of the review process.

Other Implications:

To be considered as part of this review. These may include:

- Community Safety
- Waste and Environment
- Place and Communities

Reason(s) for Urgency

None.

Reason(s) for Exemption

None.

Background Papers

Draft Unauthorised Encampment Protocol attached as Appendix A.

Report Author and Contact Officer

Shane Wright
Scrutiny Research and Support Officer
s.wright@ashfield.gov.uk
01623 457318