

Agenda Item IMD29

INDIVIDUAL EXECUTIVE MEMBER DECISION REFERENCE IMD:

TITLE	Response to Government Consultation on Powers for Dealing with Unauthorised Development and Encampments
DECISION TO BE MADE BY	Executive Member for Planning and Enforcement - Simon Weeks
DATE, MEETING ROOM and TIME	13 July 2018 SF1 at 12.30
WARD	None Specific;
DIRECTOR	Interim Director of Environment - Josie Wragg

OUTCOME / BENEFITS TO THE COMMUNITY

The effective use of powers to prevent and remove unauthorised development and encampments can improve the perception and confidence in the community that action can and will be taken in dealing with such matters.

RECOMMENDATION

That the Executive Member for Planning and Enforcement:

- 1) Notes the comments made in respect of the Government's consultation regarding 'Powers for dealing with unauthorised development and encampments'
- 2) Approves the Council's response to the consultation sent to the Ministry of Housing, Communities & Local Government (Set out at Appendix 1)

SUMMARY OF REPORT

A consultation exercise has been undertaken by Government to seek views are sought on the range of powers available to local authorities, the police and landowners, for dealing with unauthorised development and encampments.

The report provides Wokingham Borough Council's response to the consultation.

Background

Recent debates in Parliament have addressed the topic of unauthorised traveller encampments, and Members of Parliament have voiced their constituent's concerns regarding the impact on both settled and nomadic populations. There are concerns, particularly by the widespread perception that the rule of law does not apply to those who choose a nomadic lifestyle, and the sense that available enforcement powers do not protect settled communities adequately.

Unauthorised encampments can cause settled communities significant distress, and they perpetuate a negative image of the travelling community, the vast majority of whom are law-abiding citizens. Unauthorised encampments also have a detrimental effect on the life chances of those who live within such encampments, and their children, who may not benefit from the same opportunities as everyone else.

The Government wants to understand more about the nature of the issue, and to hear views on the effectiveness of enforcement powers against unauthorised development and encampments. They would like suggestions as to whether existing measures should be strengthened, and how public authorities can use the powers available to them more effectively.

The aim of the consultation is to seek views on the effectiveness of powers to deal with unauthorised development and encampments.

Analysis of Issues

There have been long-standing concerns about the issue of unauthorised development and encampments. These are that in spite of a range of powers already in place, unauthorised development and encampments remain a significant issue which causes genuine difficulties for communities. These include:

- trespassing on private land
- occupying public land, including playing fields and children's playgrounds
- damage to property
- extensive litter and waste
- the public and private cost of cleaning or protecting unauthorised sites
- noise and antisocial behaviour
- abusive and threatening behaviour
- carrying out development without planning permission

Since 2010, the Government has taken concerted action to address these matters, including issuing revised planning guidance on enforcement and updated policy and reforms to temporary stop notices. In March 2015 the Government issued advice in *Dealing with illegal and unauthorised encampments* to all local authorities, the police and landowners to encourage them to work collaboratively to tackle unauthorised encampments and to remind them of the array of powers which exist for tackling such situations.

The July 2017 Traveller Caravan Count, published by the Ministry of Housing, Communities and Local Government on 16 November 2017, illustrates that the number of traveller caravans on authorised sites has risen from 14,498 in July 2010 to 19,071 in

July 2017 – an increase of 32 per cent between counts. This suggests that the planning process led by local planning authorities is having an impact. However, figures also illustrate that there are still a significant number of unauthorised encampments across England, accounting for 16% of all caravans in July 2017.

The Government is seeking views on the effectiveness of existing powers, and gathering information to inform future policy and legislative proposals.

The Government is aware that unauthorised development and encampments can be a source of real concern and inconvenience to communities, and wishes to hear more evidence about the nature of the issue. Unauthorised development occurs when land is developed, or there has been a material change of use of land, without the appropriate planning approval being secured in advance. Unauthorised encampments occur where trespassers enter and occupy land belonging to private landowners or local authorities.

Summary:

See Appendix 1 attached. It is recommended that its contents are agreed and sent to the Government as the Council’s formal response to the consultation.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces severe financial challenges over the coming years as a result of the austerity measures implemented by the Government and subsequent reductions to public sector funding. It is estimated that Wokingham Borough Council will be required to make budget reductions in excess of £20m over the next three years and all Executive decisions should be made in this context.

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	N/A	N/A	N/A
Next Financial Year (Year 2)	N/A	N/A	N/A
Following Financial Year (Year 3)	N/A	N/A	N/A

Other financial information relevant to the Recommendation/Decision
N/A

Cross-Council Implications (how does this decision impact on other Council services, including property and priorities?)
All Council departments who deal with helping to prevent and remove unauthorised development and encampments will need to be aware of any new regulations or powers.

SUMMARY OF CONSULTATION RESPONSES	
Director – Corporate Services	None
Monitoring Officer	None
Leader of the Council	None

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List of Background Papers

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| <ul style="list-style-type: none">- Ministry of Housing, Communities & Local Government 'Dealing with illegal and unauthorised encampments – March 2015'- Ministry of Housing, Communities & Local Government 'Powers for dealing with unauthorised development and encampments – April 2018' |
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