



## **Unauthorised Encampments**

Wokingham Borough Council understands that unauthorised encampments can be concerning to communities. Therefore we have put together some advice and guidance on how the council and landowners can deal with them when they occur.

Unauthorised camping is not a criminal offence. Trespass is a civil offence, giving land owners and local authorities the right to repossess their land by using the due process of civil law.

### **The land owner is responsible for dealing with and managing any unauthorised encampments on their land;**

- Wokingham Borough Council (WBC) is responsible for all unauthorised encampment on council land.
- The duty of the police is to preserve peace and prevent crime.

You can report an unauthorised encampment to Wokingham Borough Council on **0118 974 6000**.

Any crime, disorder or nuisance associated with an encampment should be reported to Thames Valley Police on the 101 phone number or via Thames Valley Police website. If it is an emergency call 999.

### **What happens when WBC receive details of an unauthorised encampment?**

Wokingham Borough Council officers will:

- Confirm who the land belongs to.
- Complete welfare checks.
- Make contact with the landowner to offer support and guidance.
- If the unauthorised encampment is on council owned land, officers will serve the necessary notices required.

### **If the land is owned by the council**

Council officers will visit the site within one working day to make an assessment of the situation and carry out welfare checks. Welfare checks include signposting the occupants of the site to housing advice, medical facilities and any other service they may require. At this point the occupants of the land are told that they are trespassing and informed that they must vacate the site or legal action may be taken.

### **If the land is privately owned**

It is the land owner's responsibility to take the necessary eviction action. The landowner can attempt to agree a leaving date with the trespassers or take



proceedings in the County Court under the Civil Procedure Rules 1998 to obtain a court order for their eviction.

Landowners are recommended to seek legal advice as soon as the encampment arrives. The council can offer help and advice to private landowners, however it cannot take action on their behalf.

### **How quickly can trespassers be moved on?**

When an encampment is on land owned by the council;

The council must:

- Show that the trespassers are on land without consent
- Make enquiries regarding general health and welfare and children's education
- Ensure the Human Rights Act 1998 has been fully complied with.

To do this, the council follows a civil legal process alongside Government guidance, which involves proving ownership of the land, obtaining details of the encampment including taking into consideration any medical needs of the occupants, assessing an encampment's effect on the local area, and then following the most appropriate course of legal action to ensure the most effective and timely response is taken.

Once council officers have visited the site to carry out an assessment, they prepare evidence, which is reviewed to determine the most appropriate power available to the council to remove the encampment.

It is not possible to provide an accurate timescale for removal of the encampment, as each case differs. There may also be further delays if there are welfare concerns for those occupying the land which need attention.

The current government and NPCC guidance is that to minimise the risk of spreading Covid-19 unauthorised encampments should ideally not be moved on.

### **Police responsibilities and unauthorised encampments**

Thames Valley Police will monitor unauthorised encampments for

- Crime, disorder and nuisance associated with any authorised encampment
- Liaise with the landowner accordingly.

In certain specific circumstances the Police may use powers under Section 61 of the Criminal Justice and Public Order Act 1994, to direct trespassers to leave land, if they consider it appropriate (although Section 61 cannot be used on encampments on the highway). The use of these powers will be considered when reviewing the most appropriate course of action to undertake.



The presence of an encampment without any aggravating factors should not normally create an expectation that police will use eviction powers. The police are bound by the Human Rights Act and need to consider the rights of both the site residents and the wider community. It is for the police alone to decide if Section 61 is to be used.

### **What measures can be taken to prevent unauthorised encampments?**

All landowners have a responsibility to ensure that their land is secure at all times. Options and measures include installing railings, fences, bollards and earth mounds when and where possible to prevent occupation without consent of the landowner. All landowners are advised to make arrangements to ensure the security of their land at all times.

### **Cleaning up**

Many unauthorised encampments are clean and tidy, however a small number will require waste collection and cleaning services. The responsibility for cleaning up after an unauthorised encampment lies with the landowner.

Where land belongs to Wokingham Borough Council, cleanup will take place as soon as practicable after the encampment has moved on.

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