

**TITLE** **Unauthorised Encampments Update**

**FOR CONSIDERATION BY** Overview & Scrutiny Management Committee Wednesday  
4<sup>th</sup> October 2023

**WARD** None Specific;

**LEAD OFFICER** Director Place and Growth George Framallicco

**OUTCOME / BENEFITS TO THE COMMUNITY**

To provide an update on unauthorised encampments and site provision for 2022-2023 as requested by the committee.

**RECOMMENDATION**

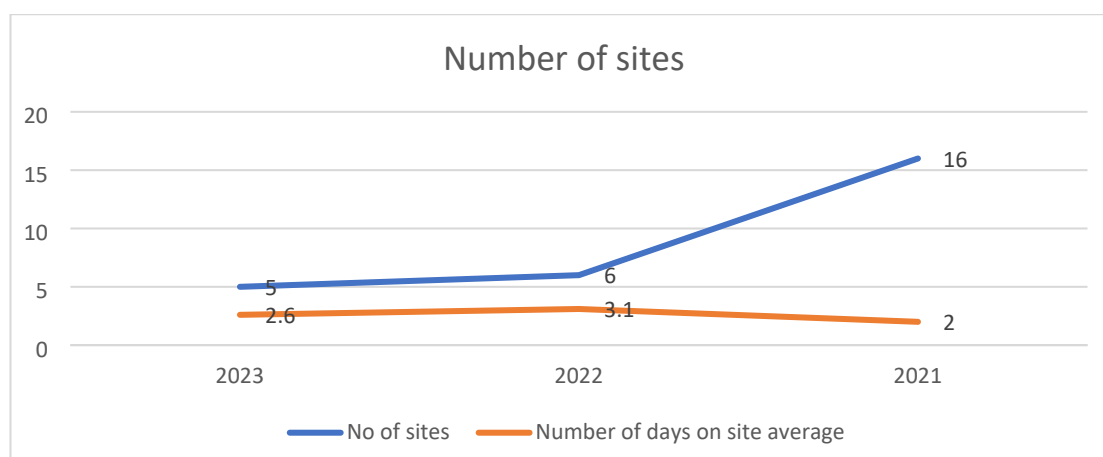
To provide comment and note the report.

**SUMMARY OF REPORT**

This report details how the Council is working to prevent and reduce impact caused by unauthorised encampments, as well as to provide information to the committee about the Council's powers, policies and procedures concerning unauthorised encampments.

**Analysis of the Issue**

For the period 2022 -2023 there was 5 unauthorised encampments in total across the borough, of these 2 were on private land, 2 on town council land and 1 on WBC land. 4 of the 5 encampments were in Woodley and 1 was in Earley. The total cost so far associated with dealing with legal encampments in 2023 (with still 3 of the year remaining) is approximately £8,800 to date. This is a reduction compared with 2021 where was a total of 16 legal encampments in the borough.



Average Days on Site	2023	2022	2021
Private	4	20.8	3.4
WBC/WTC	2.25	6	2.8

One notable site in Woodley on private land resulted in a lengthy stay of 92 days late in 2022 by a large group. It is believed that this encampment was also linked to an increase reporting of ASB issues in Woodley. As a result, TVP in conjunction with the landowners issued a S61 notice to deal with increase of Anti-social behaviour.

The delay in eviction and Police action was due to the time of year (28<sup>th</sup> Nov 22 – Jan 23) and court / bailiff availability. There were also welfare concerns surrounding 2 pregnant females who were very near to full term.



### Breakdown of Unauthorised Encampments by Wards and Costs

The table below shows the areas of the borough where unauthorised encampments have taken place looking at the most regularly effected wards.

Locations	2023	2022	2021
Woodley	4	2	2
Wokingham	0	0	2
Earley	1	3	4
Shinfield	0	1	1
Crowthorne	0	0	1
Winnersh	0	0	1

	2023	2022	2021
Costs	£8,834.13	£3,995.00	£13,410.00

### Operational Management

In April 2022, the management of responding to unauthorised encampments was transferred into the Anti-Social Behaviour Team (Enforcement and Safety Service) out from the Council's Housing Services department. Due to the use of multi-skilled officers and the out of hours rota, the capacity for responding to unauthorised encampments was increased from 1xFTE cross to a function based in a team of 8

officers trained to attend and act in respect of unauthorised encampments. This has resulted in the Councils ability to respond swiftly and effectively 7 days a week.

Unauthorised encampments is also otherwise known as activity, where persons are camped on land that they do not own and where they do not have permission to reside. This can be in vans, trailers, tents or other temporary structures.

Wokingham Borough Council deals with all unauthorised encampments utilising a joint protocol approach to unauthorised encampments between Thames Valley Police (TVP) and Local Authorities in the Borough.

Once a report has been received ASB Officers attend the site as soon as possible to undertake a welfare check, notes are made of the number of caravans, vehicles, children, adult animals. Information is shared with partners and any welfare concerns are noted and passed to the relevant department if action is required.

A notice to leave is served on the incursion requesting that the encampment leave the land that is being occupied. The Council will make contact made with the Bailiffs to arrange removal if required and currently uses common law powers as described below:

### **Common Law Powers**

- Can only be used by landowner
- Used to regain possession of land (tort of trespass)
- Does not require involvement of the Courts
- Enforced by landowner and/or private bailiffs
- No sanction if trespassers return
- Trespasser who entered land peaceably should be asked to leave and given opportunity to leave prior to force being used
- May use no more force than is reasonable to evict
- If considering use landowner should notify Police
- Police may wish to be present to prevent a Breach of Peace
- If Police believe it is inappropriate to attempt eviction in the circumstances action should be delayed until Police believe safe to continue

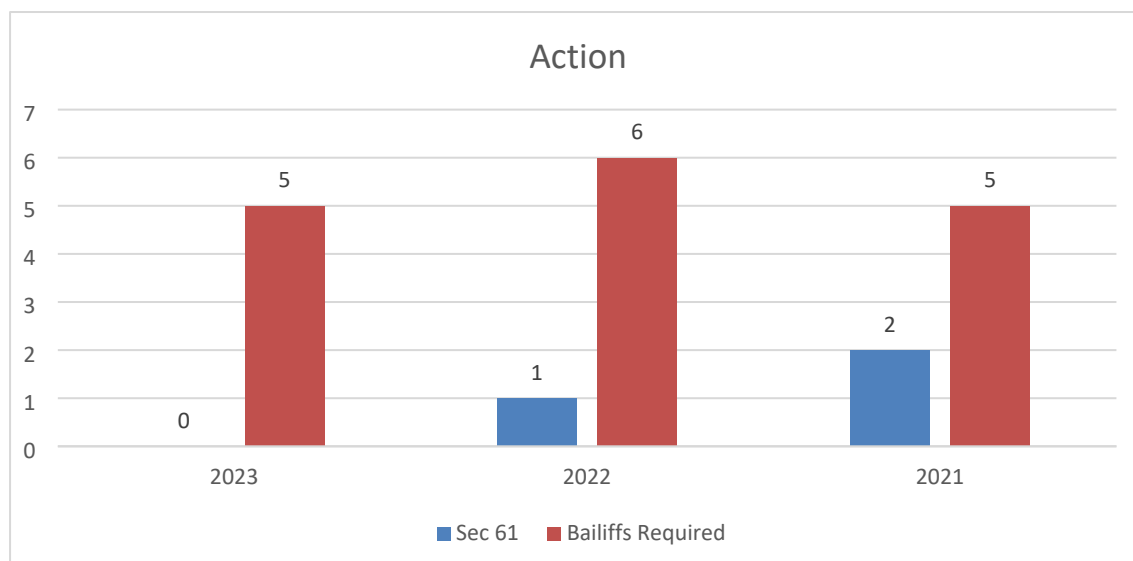
### **Police Powers (Discretionary)**

S61-62 Criminal Justice and Public Order Act 1994

- Can only be used by Police. (Discretionary Power)
- Can be used on any land except the highway
- Used to remove identified individuals from land
- Criteria must be met e.g. 2 or more persons trespassing and either caused damage, been threatening to landowner or agent, have six or more vehicles with them. Landowner must have taken reasonable steps to require persons to leave
- Does not require involvement of Courts
- Enforced by Police
- Return to location within three months carries criminal sanctions

## Use of Bailiff's

In 2019 the Council implemented an approach of using bailiffs to respond to unauthorised encampments, as opposed to using a County Court process that can in some cases take up to a week to get a hearing date and between ten to fifteen days in total to move an encampment from the land. The benefit of using a direct bailiff is the speed by which a response can be delivered. Utilising this approach results in the unauthorised encampments being dealt with quickly, and in turn may also act as a deterrent.



## Welfare Checks

A welfare check is undertaken for each and every unauthorised encampment within the borough. In 2021, six welfare concerns were recorded across the unauthorised encampments. All these concerns were associated with pregnant females. In 2022 only 2 concerns relating to pregnant females was documented.

## Sharing Best Practice

Council Officers are in regular communication with neighbouring communities and other agencies including the police and parish and town councils to share best practice, knowledge and support where needed. This allows for effective working relationships and intelligence sharing across borders and communities.

## Case Example

In August 2023, there was a large unauthorised encampment on Parish and Town Council land in Woodley, there were no Town Council officers available to arrange the removal of the unauthorised encampment, in this case, the ASB team jointly in conjunction with the Town Council Secretary served a Notice to vacate the land and arranged for the Bailiffs to undertake the eviction. The process was completed swiftly and managed to be completed in 1 day.

Moving forward, this now forms ongoing good practice which will remain in place for Towns and Parish Councils to ensure improvements in response times are

maintained. Landowners often rely on council officers for advice on how to deal with an unauthorised encampment on their land and this support and advice will continue.

Council officers keep an updated database of all incursions and details of private landowners' to easily contact the relevant private landowner in the event there is an unauthorised encampment on their land. Alerts will continue to be sent out when an unauthorised encampment appears reminding landowners to make sure land is secure.

Public Information about Unauthorised Encampments: A leaflet has been created by the Council in conjunction with Thames Valley Police and the information is on our main council website

<https://www.wokingham.gov.uk/community-and-safety/communitysafety/unauthorised-encampments/>

A copy of the leaflet is presented in Appendix 2

### **Meeting the Future Needs of the GRT Community:**

A Gypsy and Traveller and Travelling Showpeople Accommodation Needs Assessment or Wokingham (GTAA) was published in September 2017. It found:

- Need for twenty-six to ninety permanent pitches for Gypsies and Travellers 2017/18 – 2035/36. 26 pitches would facilitate households leading a nomadic lifestyle, where as 90 pitches would address both this need and the needs of households which did not travel but wished to live on a caravan site as opposed to bricks and mortar housing.
- Need for a transit site comprising five pitches (each capable of accommodating two caravans).
- No need for Travelling Showpeople plots.

Against this need, several additional residential pitches have been approved and delivered since the assessment base date of 2017. In September 2019 planning permission was granted to enable three extra GRT pitches to be created on site, if required at one of the Council's owned sites A full list of sites where additional pitches has been approved and completed since the study is shown in Table 1 and sites with outstanding planning permissions are detailed in Table 2:

Site	Net Pitches	No's Completed	Year of Completion		
116 Nine Mile Ride	2	2	2019/20		
Belvedere Park	2	2	2019/20		
Belvedere Park	5	2	2020/21		
Little Moor-Plot 1	1	1	2020/21		

**Table 2 Sites with planning permission at 31.03.21 – updated.**

Site	Application No	Net Additional Pitches	Date of Permission	Pitches under construction	Expected Delivery Date	Update
Carters Hill	192012	3	23/09/19	0	2022/23	Not completed, due to expiry of planning permission
Belvedere Park	192174	3	04/10/19	0	2021/22	Fully implemented
Cartref Farm	180072	1	01/11/19	0	2021/22	Not implemented
166 Nine Mile Ride	201143	4	28/01/21	0	2021/22	Implemented

**FINANCIAL IMPLICATIONS OF THE RECOMMENDATION**

*The Council faces severe funding pressures, particularly in the face of the COVID-19 crisis. It is therefore imperative that Council resources are focused on the vulnerable and on its highest priorities.*

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	0	N/A	N/A
Next Financial Year (Year 2)	0	None	None
Following Financial Year (Year 3)	0	None	None

**Other financial information relevant to the Recommendation/Decision**

N/A

**Cross-Council Implications** (how does this decision impact on other Council services, including properties and priorities?)

Wokingham Housing Strategy 2020-204.

**Public Sector Equality Duty**

Enforcement action in respect of unauthorised encampments is compliant with public sector equalities duty.

**Climate Emergency – This Council has declared a climate emergency and is committed to playing as full a role as possible – leading by example as well as by exhortation – in achieving a carbon neutral Wokingham Borough by 2030**

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**Reasons for considering the report in Part 2**

N/A

**List of Background Papers**

Unauthorised Encampments Leaflet

<https://www.wokingham.gov.uk/community-andsafety/communitsafety/unauthorised-encampments/>

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