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**To: Communities and Neighbourhoods Scrutiny Board (4)**

**Date: 11<sup>th</sup> July 2018**

**Title: Unauthorised Encampments**

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## **1 Purpose**

1.1 The purpose of this paper is to provide an overview of unauthorised encampments in the city.

## **2 Recommendations**

2.1 The Communities and Neighbourhoods Scrutiny Board (4) are recommended to:

- 1) Endorse the actions taken by officers to protect land owned by the city council and deal with unauthorised encampments.
- 2) Provide further comment or suggestions for consideration by Cabinet Member (Policing and Equalities).

## **3 Information/Background**

- 3.1 In recent years, various areas of the city have experienced regular unauthorised encampments, some of which have caused concern, uncertainty, disruption and, on occasions, conflict locally.
- 3.2 Unauthorised encampments tend to be seasonal in nature and occur between the months of April – September. Peak periods tend to occur locally around the Kenilworth Horse Fair which, is held in April and September. Where possible the Council seeks to protect its land with fortifications. This is a major undertaking, given the variety and number of parcels of land that we own and for which we have responsibility. Some of these defences are vandalised and breached, but proving responsibility for these criminal acts is problematical. Appendix 1 contains details of the number of unauthorised encampments. Appendix 2 details money invested in site protection, clean-up costs and eviction costs.
- 3.3 Addressing the issues arising from such encampments often requires significant resources from the Police and the Local Authority. These agencies seek to ensure a positive, coordinated and informed approach to all aspects of management of unauthorised encampments, whether that relates to initial identification of such encampments, making assessments of the needs of persons on site (legal requirement for public bodies), assessing and deciding upon the correct and proportionate course of action and, where necessary, taking enforcement action.
- 3.4 All actions and decisions will take into account the needs of all individuals concerned and ensuring that their actions are reasonable, justifiable and proportionate and in accordance with the Human Rights Act 1998 and The Equality Act 2010.

## **4 Eviction process and practice.**

- 4.1 There will generally be three possible courses of action in relation to unauthorised encampments on highways, council owned land or common land:
- 4.1.1 Decision Not to Evict Immediately. There is a decision to tolerate the unauthorised encampment for a period of time and a mutually acceptable date for leaving the site has been agreed. This must be considered whenever there is an unauthorised encampment and has been used occasionally for a few days' particular sites.
- 4.1.2 Decision to Evict (Local Authority Powers). We utilise the court processes under sections 77 – 79 of the Criminal Justice and Public Order Act 1994. The process involves the service of a Direction/Notice to Leave followed by a court hearing to apply for a court order to facilitate eviction. In practice, evictions are usually achieved within 3-4 working days where the land is within Coventry.
- 4.1.3 Decision to Evict (Police powers). West Midlands Police may decide to evict an unauthorised encampment under section 61 of the Criminal Justice and Public Order Act 1994. These powers will only be exercised if a number of aggravating factors are in evidence and a number of other conditions are satisfied. Generally, the police may decide to evict where there is an immediate danger to the community, or unauthorised campers. They may also take the decision to evict where there is clear evidence of crime, anti-social behaviour, environmental damage, or significant community unrest as a result of the encampment.
- 4.2 In determining the course of action, a balancing exercise is undertaken between the rights of those encamped, the rights of the landowner, the rights of those lawfully entitled to use the land and the rights of the local community.

## **5 Practice elsewhere in the region**

- 5.1 In 2017 Sandwell MBC created a purpose built transit site for the travelling community. This action was accompanied by court injunctions prohibiting unauthorised encampments at 17 specific sites in their borough; this has been subsequently increased to a whole borough court injunction. In the event of an unauthorised encampment, the Police have agreed to use their powers under s.62A of the Criminal Justice and Public Order Act 1994, to immediately evict the unauthorised campers and direct them to the transit site. For the Police to be able to use these powers, the local authority must have a transit site within their borough. To date, it has not been necessary for the Police to use these powers in Sandwell MBC.
- 5.2 This has had an impact on neighbouring local authorities. Wolverhampton MBC has seen a 24% increase in unauthorised encampments in their area. Wolverhampton have subsequently identified an area for their own transit site and are proceeding with this course of action. It is likely that other local authorities in this area will follow suit.

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## Appendices

### Appendix 1 – Unauthorised encampments 2013/14, 2014/15, 2015/16, 2016/17, 2017/18 and 2018/19 (to date)

The number of unauthorised encampments

	Q1	Q2	Q3	Q4
2013-2014	1	10	1	2
2014-2015	1	15	1	1
2015-2016	6	6	0	0
2016-2017	2	2	0	0
2017-2018	11	13	0	0
2018-2019	4			

### Appendix 2 – Costs associated with unauthorised encampments 2015/16, 2016/17 and 2017/18

	Other* (£)	Legal (£)	Total (£)
2015-2016	122,398	6,500	128,898
2016-2017	41,156	8,158	49,314
2017-2018	38,645	25,038	63,683

\* Site protection and clean-up costs

This table details actual money spent. There is an opportunity cost for Environmental Services and Legal Services in concluding evictions and Street Pride and Green Spaces in site protection and cleaning up the site of the unauthorised encampments.