
Protection of Land, Unauthorised Encampments – Supporting Information

1. Introduction/Background

- 1.1 As a consequence of a number of high profile unauthorised traveller encampments causing disruption to communities in 2018, on the 13th September 2018 a motion was submitted to Council as follows:

“The Council resolves that an assessment of the susceptibility of each of its green areas in towns and villages to unauthorised encampments be urgently carried out. The assessment should assess each site on its vulnerability to incursions and the likely impact on nearby homes. The assessment to be used to prioritise a programme to improve the security of the sites against future incursions.”

- 1.2 The motion was referred without debate to Executive. The purpose of this report is therefore to consider the most effective option to fulfil the objectives of the Motion and to make a recommendation.
- 1.3 Before considering a formal response to this Motion it is important to consider the background to unauthorised encampments in West Berkshire.
- 1.4 Gypsies and Irish Travellers are ethnic minorities whose rights are protected by legislation. Local authorities are required to give proper consideration to race and equality implications in their policies and actions. This includes delivery of statutory duties to the travelling community. Actions arising out of this report and the proposed Motion need to balance the needs and expectations of the settled community against any duty owing to the travelling community. This is reflected in the Equalities Impact Assessment which forms part of this Report.
- 1.5 There are marked seasonal differences in the numbers of gypsies and travellers in West Berkshire, with increased numbers during the summer. Most travelling groups pass through the District, stopping for short periods, before moving on without causing any issues or drawing the attention of the police or Council. These are truly transitory families travelling through the District to traditional fairs and festivals.
- 1.6 Encampments in the District vary in size from small family groups of 2 – 3 caravans, to large scale encampments of up to 20 caravans. It is these larger groups which are most problematic as they often enter land which also has a wider community use. In the last 2-3 years there has been a tendency for larger groups of travellers to move back and forward in the County across local authority boundaries. There are often significant antisocial and sometimes criminal behaviour associated with these groups. They are however in the minority in terms of overall traveller movements in this area.
- 1.7 The Countryside Service manages around 750 open spaces in the District, some very small, others much larger, with play facilities and other features provided for recreation purposes. In the main towns these open spaces are more like small parks. Most of these open spaces are very close to residential areas and form part

of the landscape of the community and are used accordingly. Very few have security features designed in.

- 1.8 The Council works closely with the local police when dealing with unauthorised encampments in the District. The current Thames Valley Police and Local Authority Joint Protocol (see link below), calls for a similar approach to that set out in the Motion. This Protocol encourages local authorities to establish the location of any particularly vulnerable locations which may require target hardening:

https://www.thamesvalley.police.uk/SysSiteAssets/foi-media/thames-valley-police/other_information/unauthorised-encampments-protocol-with-local-authorities.pdf

- 1.9 Good general advice on managing unauthorised encampments is also provided in the document '*Guidance on Managing Unauthorised Camping*' produced by the DCLG (see link) below. Of particular relevance is paragraph 4.9 of the guidance which addresses site protection and security, this states, '*protection of land, which is vulnerable to unauthorised encampment, is a valid part of a strategy, but should not be the sole strategy*'.

<https://webarchive.nationalarchives.gov.uk/20120919222422/http://www.communities.gov.uk/documents/housing/pdf/157323.pdf>

- 1.10 The Police Joint Protocol aims to strike an appropriate balance between the needs and legitimate expectations of members of the settled community, local businesses and other landowners, and the interests of Gypsies and Travellers. This approach is reflected in the options set out in this Report.
- 1.11 In May 2019, officers met with a number of local councils to discuss the actions that all parties; landowners, councils and the police, can take to protect land from unauthorised access, not just related to the travelling community but also from criminal activity. The outcome of this indicated very clearly that there is a desire for all interested parties to work together to assess vulnerable land.

2. Supporting Information

- 2.1 Traveller movements are largely seasonal, mostly between Easter and the end of September but with less truly transitory groups persisting in the District for a longer period. Table 1 below provides information on the numbers of unauthorised encampments dealt with by the Countryside Service in the years 2013 to date. Approximate costs relating to unauthorised encampments are also shown:

Year	No. of Encampments (WBC land)	Approx. Associated Costs (£)
2013	13	3,000
2014	7	2,100
2015	2	2,300
2016	11	1,100
2017	9	11,000

Year	No. of Encampments (WBC land)	Approx. Associated Costs (£)
2018	17	50,000
2019	0	0

Table 1

- 2.2 This information indicates that the numbers of encampments stopping in the District is generally sporadic and difficult to anticipate. Costs indicated here include all associated litter and fly tipping costs which are often (but not always) associated with the encampment. In 2017 and 2018 the costs shown include a capital sum for target hardening measures, mostly gates, fencing and concrete barriers.
- 2.3 In 2018 there was a marked increase in the number of unauthorised encampments in the District. Although most of these encampments were insignificant in terms of impact, a small number became high profile due to the nature of the nuisance and disturbance to local communities, particularly in Theale, Newbury and Thatcham. In some cases these encampments were repeat visits to the same location leading to local unrest and anger amongst the nearby, settled, community. There were known antisocial and criminal associations with several of these encampments.
- 2.4 To date in 2019 there have been no unauthorised encampments on land owned or managed by the Council. This is perhaps an example of the unpredictability of traveller movements in this area. Certainly it is a consideration when determining the response to this Motion.
- 2.5 It should be noted that land security measures can prove to be costly. Measures taken in last financial year in Theale and in Thatcham in total amounted to £35,000 for a range of security measures including concrete blocks, ditches, bunds, bollards, and fencing and gates. This work was centred on 3 locations only, Meadow Way and Woodfield Way in Theale, and Dunstan Green in Thatcham. Further work is planned, subject to funding, on Stroud Green in Newbury. This Report indicates the approximate budget which will need to be allocated depending on the option.
- 2.6 In some cases site protection measures can have the effect of forcing Gypsies and Travellers to stop in more prominent and unsuitable places including farmland and other private land, prompting complaints from the landowner. This consideration needs to form part of any site assessment considering security measures. Further, there are some traditional stopping locations in the District which are periodically and temporarily occupied without any significant concerns being raised, or negative impacts on the local community.
- 2.7 Officers do not deal with unauthorised encampments in isolation. Over the last few years there has been greater collaboration and understanding between officers of this Council and local police. The joint Local Authority/Police Protocol provides for a collaborative assessment of each and every unauthorised encampment, this aims to balance the needs of both the travellers and settled communities.
- 2.8 There are strict criteria for evictions. The police (s61 Criminal Justice and Public Order Act) have greater powers than local authorities and an eviction can, under

certain circumstances, be carried out within a few hours. Local authority powers are more complex and consequently take longer, often up to 10 days due to the requirement for scrutiny (of the process followed in each case) and the issuing of relevant orders, by local magistrates. Neither the police nor local authorities have immediate eviction powers.

- 2.9 Working together both the Council and the police are largely effective in dealing with large encampments on open spaces or parks. The police have specific criteria they use before they invoke s61. This criteria, considering matters of criminality (note that trespass is a civil not a criminal matter), individual and group behaviour, impact on the community including loss of access to an amenity, is strictly applied. Under such circumstances, although the Council take a lead role, the police will seek to move the travellers on as quickly as possible. Encampments have been dealt with appropriately by this means on many occasions leading to a swift resolution of community tensions and reassurance that the relevant authorities are in control.
- 2.10 There are therefore some locations and circumstances where the presence of an encampment would not be tolerated and available police powers may be considered an adequate tool to protect land, therefore negating the requirement for expensive and possibly unsightly physical deterrents. This needs to form part of any site assessment process.

3. The Motion

- 3.1 Officers consider that this motion needs to be considered in light of the background set out above and summarised as follows:
- Largely unauthorised encampments are sporadic seasonal occurrences which cause only temporary nuisance to the public.
 - Most travelling groups pass through the District only stopping for short periods in locations away from communities, causing few problems.
 - Occasionally larger encampments settle for longer in areas which are unsuitable and directly impact, sometimes significantly on the local community.
 - The Countryside Service manages approximately 750 open spaces of various sizes, very few of which have any security measures or deterrents to access.
 - There is a growing problem with persistent, semi nomadic travellers, moving across local authority boundaries, who cause significant problems in West Berkshire and Reading Borough.
 - The Joint Protocol provides a format for collaborative action between WBC and Thames Valley Police (TVP). This approach provides a balanced approach and a means for a robust approach under certain circumstances, limiting impacts on communities.
 - The Protocol calls for an assessment of land for the purposes of securing vulnerable areas (target hardening).
 - Government guidance is that site security measures should form part of a strategy for dealing with unauthorised encampments but should not be *the* strategy.

- Without taking a holistic overview, the effect of target hardening is likely to be displacement to more vulnerable locations.
- Target hardening measures will be costly and there will be a requirement, depending on the recommended option, for this expenditure to be managed by temporary consultancy or agency staff.
- There are large open space areas near communities where it would be unreasonable to fully secure the land.
- Parishes are keen to be involved in this process and have invaluable knowledge of their own local area and communities.

4. Options for Consideration

- 4.1 In light of the background set out above, there are 3 possible options, the pros and cons of each are set out below at table 2.

Option	Advantages	Disadvantages	Costs: Officer Time. All costs approximate.	Costs: Capital for works. All costs approximate.
1. Adopt the motion as presented to Full Council on the 13 th October 2019.	An assessment provides a structured approach to the protection of land. This approach is proactive and will reassure some communities.	Due to the large number of open spaces in towns and villages and their vulnerability, capital costs will be significant. To date the capital costs involved in securing 3 sites is approximately £35,000. The Motion raises expectation amongst communities which we may not be able to meet. The motion makes takes no account of potential costs. There are significant impacts on officer time, each open space having to be assessed. This option may simply move the problem elsewhere on to our neighbours land. Target hardening changes the nature of 'open space' and may not be completely welcomed by some residents.	£40,000 Significant Officer time involved. Suggest this is carried out by temporary agency staff with the remit of visiting each location, carrying out an assessment and procuring any works required.	£500,000 minimum. Capital funding will be required of this order given the size and complexity of sites.

Option	Advantages	Disadvantages	Costs: Officer Time. All costs approximate.	Costs: Capital for works. All costs approximate.
2. Do not adopt the motion and rely on the collaborative approach set out in the Local Authority/TVP Joint Protocol. Consider that the police and Council powers to take action are adequate in most circumstances.	Both the local police and Council officers will determine when and if target hardening is required on a reactive basis. Concerns about displacement would be considered as part of the joint assessment. The most 'popular' problematic stopping places are ultimately protected into the future. Capital costs are less than in other options	The least expensive option. This is a reactive approach and there will be continued criticism of the police and Council for a failure to anticipate issues and protect the interests of settled communities.	Minimal cost. Assessment carried out at each and every occasion by the Traveller Liaison Officer or Grounds Maintenance Officer	£50,000 This work will be reactive as the current practice.
3. Implement a compromise solution: Carry out a desk top study, in partnership with the police, to establish the most vulnerable areas, the most 'popular' stopping locations, and other areas identified by parishes. Implement security measures ONLY where appropriate and against agreed criteria. Criteria to be developed as part of this process.	This is a more targeted approach building on existing information held by parishes, the Council and the police. Only those sites which absolutely require protection will be considered. This approach avoids unnecessary expenditure where unauthorised encampments are rarely encountered. Involvement of parishes provides a link to communities who can become engaged with the process. Capital expenditure will be required and can be programmed over a number of years based on priorities.	Locations where there is no history of unauthorised encampments may still be vulnerable especially considering displacement. Capital investment will be required in some locations.	£20,000 Desktop exercise can be carried out within current staffing levels. On site assessment and procurement of works to be carried out by temporary agency staff.	£100,000 – £300,000 Budget can be targeted at the most vulnerable locations which have a recorded history of unauthorised access and community tension.

Table 2

5. Proposals

- 5.1 Executive is asked to consider the options at Table 2 above and advise on their preferred approach. Bearing in mind the background set out above at 3.1 Officers recommend option 3 which provides a measured approach to the assessment of sites and the implementation of security measures. Thereafter:

- Officers will undertake a review of the locations of previous encampments and establish what preventative measures have been taken and where further work is required. This process will involve police colleagues and local councils.
- Officers review with other local authorities in the region what criteria they use to evaluate where security measures are required and what form they take. Principally this is about establishing best practice.
- Officers then liaise with police colleagues to discuss the outcomes and review what we jointly believe is best practice.
- Officers write a process note based on best practice which evaluates site security in light of priorities and available funding. Due to the potential costs involved and impacts on communities, it is intended that decisions will be taken in discussion with the portfolio and ward members.
- Capital funding will be required under all the options provided. Provision of an adequate budget will have to be considered by Procurement Board. Both revenue and capital funding may have to be allocated over a number of years.
- Officers will also write to our parish and town councils asking them to undertake a review of their open spaces in light of this criteria and to take appropriate measures where required. The Traveller Liaison Officer will be able to provide advice on suitable security solutions. This builds on work already carried out with parishes in May 2019.

6. Conclusion

- 6.1 The Motion submitted on the 13th September 2018 provides an opportunity to review best practice across local authority areas and to consider a process which identifies and protects the most vulnerable land in the District thereby reducing impact on local communities. The Motion appears to be onerous in terms of staff time and available budget and may in fact raise expectation amongst our communities, when in fact many open spaces in rural areas have no history of encroachment.
- 6.2 Not all open space can be protected, it is neither desirable nor appropriate to do so and therefore considering limited funding, this process needs to prioritise actions to protect the most vulnerable land in the most cost effective manner. Town and parish councils will be encouraged to participate in this process in order to provide an effective approach across the District.
- 6.3 The options at table 2 have advantages and disadvantages identified which perhaps allow members to make a more considered and informed recommendation.

7. Consultation and Engagement

- 7.1 Discussions have taken place with Thames Valley Police throughout 2018 on an approach to target hardening open spaces and vulnerable locations.
- 7.2 In May 2019 local parishes were invited to a forum at Shaw House to discuss unauthorised encampments and the powers of the police, West Berkshire Council and town and parish councils. This meeting indicated that parishes were keen to work on preventative measures to protect land in their area.

7.3 Officers In legal services have been consulted on the format and content of this Report.

Background Papers:

Thames Valley Police and Local Authority Joint Protocol

Guidance on Managing Unauthorised Camping (DCLG)

Subject to Call-In:

Yes: ☒ No: ☐

The item is due to be referred to Council for final approval	<input type="checkbox"/>
Delays in implementation could have serious financial implications for the Council	<input type="checkbox"/>
Delays in implementation could compromise the Council's position	<input type="checkbox"/>
Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months	<input type="checkbox"/>
Item is Urgent Key Decision	<input type="checkbox"/>
Report is to note only	<input type="checkbox"/>

Wards affected:

All wards will have an interest in the content of this report.

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