

# Cabinet report



1 September 2020

## UPDATE ON UNAUTHORISED ENCAMPMENTS

Name of Cabinet Member	<b>Councillor Lauren Townsend</b> Cabinet Member for Community Safety
Report sponsor	<b>Sarah Gonsalves</b> Director of Policy, Insight and Communications

Exempt / confidential / not for publication	<b>No</b>
Council Plan reference	<b>Not in Council Plan</b>
Wards affected	<b>All wards</b>

### Executive summary

An action plan to tackle the issue of unauthorised encampments was agreed at Council in July 2018. Updates on progress have been brought to Cabinet previously, and this report provides further details about actions taken and progress made.

#### 1. Decision/s to be made

That the Cabinet note the update on the agreed action plan on unauthorised encampments.

#### 2. Why is the decision needed?

Milton Keynes has, like most other places in the country, a varying number of gypsies and travellers living in the Borough who do not have permanent sites on which to camp. Such unauthorised encampments are defined as 'encampments of caravans and/or other vehicles on land without the landowner or occupier's consent and constituting trespass'. Unauthorised camping is not a criminal offence. It is a civil offence, giving landowners the right to repossess their property using the due process of law.

In Spring 2018 there was an increase in the number of reported encampments in some wards, which led to community tension. The Cabinet responded at the time with a series of recommendations which would put in place mitigations and solutions to resolve this issue.

Both reports and incidence of unauthorised encampments have decreased since 2018. In 2018 there 1167 reports of unauthorised encampments, compared to 763 in 2019 and 830 to date in 2020. In 2018 there were 207 encampments compared to 132 in 2019 and 72 to date in 2020. The impact of lockdown and guidance issued by the National Police Chiefs Council on dealing with unauthorised encampments during the Covid-19 pandemic is likely to have had an impact on numbers in 2020. Although the overall decline in numbers cannot be attributed directly, the view is that the combined action taken and outlined below has made Milton Keynes a less attractive place for unauthorised encampments.

Capital funding of £250,000 was made available to improve physical security at sensitive sites to protect against unauthorised encampments. 34 sites were originally identified for defensive works. All of these sites have been assessed and work has been undertaken in 32 of them. A further 24 sites have been identified, with work being undertaken in 12 of them. The efficacy of the defences is continually assessed, and they have been broadly successful, with very few breached or additional work required. Approximately £60,000 of the original funding is still available, recognising that as sites are defended, then new ones will be entered and require defensive work. There is a recognition that some sites will not be able to be fully defended due to their specific characteristics.

The Council now has a clear procedure for dealing with unauthorised encampments which balances the potential threat, harm and risk presented by some unauthorised encampments with issues relating to vulnerability, welfare and safeguarding in relation to occupants. The Council's Environmental Crime Team works pro-actively with Thames Valley Police, landowners and other partners and Council departments to deal with unauthorised encampments as quickly as possible, using the powers that are available to them. The Council is now the primary agency for dealing with unauthorised encampments in Milton Keynes.

The Council committed to look at appropriate means for protecting communities, and a number of legal options were considered. Independent legal advice was secured from barristers on the use of an injunction at a specific site in Tattenhoe, which advised specific injunctions be sought against named persons and also against 'persons unknown'. Evidence was gathered and the injunctions were made and served on the named individuals, preventing them from setting up any encampments or engaging in any other anti-social behaviour, including cable burning. The 'persons unknown' injunction was not successful. Other powers are continually reviewed, but recent high court decisions limit these options.

The Council is required by a National Planning Policy Framework to meet the accommodation needs of Gypsies, Travellers and Travelling Showpeople within Milton Keynes, and it is required to develop a strategy to address the need. The Gypsy and Traveller Accommodation Assessment (GTAA), which formed part of the wider Strategic Housing Market Assessment in February 2017, found that over the plan period 2016-2031, there is a requirement to accommodate a further 19 households in culturally suitable housing for Gypsies and Travellers up to 2031.

There are currently eighteen permanent pitches in Milton Keynes. Policy HN11 in the Council’s local plan, Plan:MK, safeguards existing sites at Calverton Lane and Willen Road, and carries forward previous allocations for a permanent traveller’s site with eight pitches at Newton Leys, four additional pitches to be provided as part of an extension to the Calverton Lane site and additional seven pitches are to be provided in the South East Milton Keynes strategic site. A new GTAA assessment will be undertaken in 2020/21 in preparation for the Council’s new local plan. This assessment will review the need in line with national planning policy and best practices available. It is intended for it be robust, and to review the need for provision of permanent and transit sites, to allow forming of a new strategy which provides optimum, long term solutions.

The Council recognises the importance of communicating with residents on this matter, whilst mindful of the need to protect the confidentiality of families. Statements have been released with information about hotspots and Council action being taken. Updates have been shared at events held by communities in response to specific unauthorised encampments. Joint information produced with Thames Valley Police about the process and obligations of both the council and police to an unauthorised encampment has been updated, so that there is a greater understanding of the steps that need to be taken. It is recognised that for areas affected this can be highly emotive, and getting the balance right is challenging.

Engagement with the gypsy and traveller community outside of enforcement activity has increased, with the appointment of a Gypsy, Roma and Traveller Liaison Officer in 2019. There is an established operational co-ordination group that oversees this work, with members from several council departments and Thames Valley Police.

### 3. Implications of the decision

Financial	Yes	Human rights, equalities, diversity	Yes
Legal	Yes	Policies or Council Plan	No
Communication	Yes	Procurement	No
Energy Efficiency	No	Workforce	No

#### a) Financial implications

Capital and revenue funding was allocated in 2018/19.

#### b) Legal implications

The Council has duties in respect of all residents of the borough to ensure that their rights as citizens are protected. The Council respects the needs of all groups and takes all decisions in line with article 8 of the Human Rights Act and further, in consideration of the Equality Duty placed on public bodies by the Equality Act 2010.

### 4. Alternatives

No alternatives, this report is for noting and to provide an update.

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