

## BOROUGH OF KETTERING

<b>Committee</b>	<b>RURAL FORUM</b>	Item 11	Page 1 of 3
<b>Report Originator</b>	Lisa Hyde – Executive Director	<i>Fwd Plan Ref No:</i>	
<b>Wards Affected</b>	ALL	4 <sup>th</sup> October 2018	
<b>Title</b>	<b>BRIEFING ON UNAUTHORISED ENCAMPMENTS</b>		

### 1. PURPOSE OF REPORT

To provide an update on Police and Council powers regarding enforcement and target hardening in relation to unauthorised traveller encampments.

### 2. POWERS & DUTIES RE: PUBLIC LAND

#### 2.1 When can the Police act?

The Police may activate their powers under **section 61** of the Criminal Justice and Public Order Act 1994 to require Gypsies and Travellers to leave.

2.2 The Police are able to activate these powers where they are satisfied that two or more people are trespassing on the land, and the landowner has taken reasonable steps to make them leave (and they have failed to do so). In addition, one of the following also has to apply:

- damage has been caused to the land or property, or
- threatening, abusive or insulting behaviour has been used against the occupier, his family or agent, or
- the trespassers have six or more vehicles.

2.3 Any enforcement of section 61 requires resourcing and consideration has to be given to having sufficient police officers available etc., which may in itself take some time to arrange.

#### 2.4 When can the Council act?

If Gypsies and Travellers are camped on Council land without consent, the Council can recover possession of their land by using a County Court Order under **section 77** of the Criminal Justice and Public Order Act 1994 to require Gypsies and Travellers to leave.

2.5 KBC is part of the Countywide Traveller Unit (CTU), a countywide partnership arrangement. The CTU brings together a specialist multi-disciplinary team to deal with the gypsy and traveller issues across the county in a co-ordinated and proactive way. This includes:

- providing a one stop point of access for the public, businesses, agencies and travellers

## BOROUGH OF KETTERING

Committee	<b>RURAL FORUM</b>	Item 11	Page 2 of 3
-----------	--------------------	------------	----------------

- management of unauthorised encampments on all public land
- providing advice and guidance to private land owners and if requested, initiating legal proceedings at the land owner's expense
- aiming to reduce the problems associated with encampments by tackling anti-social and unacceptable behaviour

2.6 If the Gypsies and Travellers are on Kettering Borough Council land and are causing problems they will be moved on as soon as is possible and reasonable. The Council has to consider each case on its merits. In all cases the site is visited and every effort made to make sure that the Gypsies and Travellers keep the site tidy and do not cause public health problems. Bin bags are handed out by our wardens and advice is given.

2.7 The Council will act quickly, through the CTU, to establish the following:

- show that the Gypsies and Travellers are on the land without consent
- make enquiries regarding the general health, welfare and children's education
- ensure that the Human Rights Acts 1998 has been fully complied with
- establish ownership of land.

2.8 If an unauthorised encampment is on **private land**, it is usually the landowner's responsibility.

### **3. UPDATE ON TARGET HARDENING**

3.1 At the last Rural Forum there was a request for information on the Council's position on unauthorised encampments as there was, at that time, an unauthorised encampment on Weekley Glebe playing fields.

3.2 During the summer there have been temporary unauthorised encampments on:-

- Northampton Road – both sides of Lake Avenue
- Meadow Road
- Weekley Glebe Playing Fields
- Ise Lodge – Both sides of Deeble Road
- North Park

3.3 The Council has worked closely with the Police and the Countywide Travellers Unit (CTU) to address this.

3.4 The police have used Section 61 to serve Notices on the above sites resulting in encampments being moved in an average of 2- 3 days.

3.5 In addition, when Section 61 has not applied the CTU, have used the powers under Section 77 and 78 to issue a court order requiring the encampment to

## BOROUGH OF KETTERING

Committee	<b>RURAL FORUM</b>	Item 11	Page 3 of 3
-----------	--------------------	------------	----------------

move on. This is a slightly longer process and has been carried out over an average of 7 days.

### 3.6 Target Hardening

In response to this in July the Executive authorised a capital sum to be spent on “target hardening” to try to secure some of the sites mentioned above.

- **Northampton Road** – Rocks and bollards have been placed around the site to prevent unauthorised access whilst still allowing for grounds maintenance vehicles to access the site and the authorised events such as the annual fair and circus.
- **Ise Lodge** – A similar scheme has been deployed using rocks and bollards to secure entrance ways and prevent access.
- **Weekley Glebe** – This site is already fenced off and gated and had been accessed by the removal of fence panels. These have been re-secured and a small number of boulders will be placed against the fencing to secure the site beyond the fence.
- **Meadow Road** – Plans were already in place to undertake a significant improvement programme for Meadow Road Park as part of the Town Centre Delivery Plan. These will be discussed and developed at the Executive in the next couple of months. Therefore it is appropriate to include the access restrictions to this site as part of the overall Meadow Road improvement plan to be carried out in various phases over this winter.
- **North Park** - Under review

3.7 As with all open spaces, these are under constant review as we will never be able to totally secure all public land.

## 4. RECOMMENDATION

That Rural Forum note the update in relation to unauthorised traveller encampments

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Background Papers:

Title

Date

Contact Officer