

## **New out of hours service to respond to unauthorised encampments**

### **Summary:**

The community expects the Council to respond promptly to unauthorised encampments that occur on public land and to be effective at resolving them in a timely way.

This paper explores how the Council could improve its response to unauthorised encampments within the borough and suggests a more comprehensive out of hours service is set up to deal with unauthorised encampments

### **Portfolio: Planning & People: Cllr Adrian Page**

Date Approved: 22 June 2021

**Wards Affected: All**

### **Recommendation**

**The Executive is asked to RESOLVE that**

- (i) an out of hours service be introduced to respond to unauthorised encampments from 1<sup>st</sup> March to 30<sup>th</sup> September; and**
- (ii) The costs of this service to be agreed which include staff costs to cover a weekend and bank holiday rota and incidental costs caused by the unauthorised encampment e.g. security staff costs. The total indicative cost of this service could be £56,544**

### **1. Key Issues**

- 1.1 Unauthorised encampments happen at various times which includes outside normal office hours. This is particularly problematic at weekends including the long bank holiday weekends. For example, an encampment that arrives late afternoon on a Friday, may not be responded to by the Council until staff are back at work the following Tuesday morning.
- 1.2 The Council's communications in the event of an unauthorised encampment also need to be refreshed with a focus on prompt and timely messages including over the weekend, and communication that focuses on the positive and immediate action being taken by the Council. This will include the attendance on site, serving notices and applications to the court, joint working with the Police, and managing expectations what the Council can and cannot do within the law.
- 1.3 Members will already know that unauthorised encampments can be associated with overt anti-social behaviour, fly-tipping, and various types of criminality including damage to land and property, theft and

threats of violence, including the large-scale dumping of commercial and hazardous waste. Unauthorised encampments can cause significant community distress, huge reputational damage, and lead to large scale costs in the managing and clearing up process.

- 1.4 In order to tackle unauthorised encampments more efficiently during out of hour periods it is proposed;
- To provide enforcement and communications staff cover over the weekend in the summer months to respond and attend an unauthorised encampment on public land from Friday late afternoon, until the next normal working day, usually Monday morning.
  - To provide staff operating over the weekend with the necessary powers to take all relevant operational decisions in relation to encampments
  - To update the procedures so that the default position (following health and welfare checks) is to serve a formal notice as soon as possible on the encampment to ask them to leave.
  - To deploy security staff to monitor the site of an unauthorised encampment 24 hours a day
  - Ward Councillors to be briefed on the situation and the action being taken by the Council
  - For the communications team to provide social media updates about the action being taken by the Council and to manage expectations by also being clear about what the Council is allowed to do within the law.
  - To no-longer automatically provide toilet facilities and water for unauthorised encampments, although these will need to be considered where a need is clearly identified as part of the health welfare checks.
- 1.5 1.5 The benefit of introducing this service is that the Council would be putting measures in place that could potential reduce the clean-up costs required and due to prompt action could reduce the legal costs. It is also believed that it will improve community confidence that unauthorised encampments are being dealt with promptly.

## **2. Resource Implications**

- 2.1 If the Executive agrees to put this initiative in place The costs of operating an out of hours service is estimated at £660 per weekend and £990 per normal bank holiday weekend. The cost over a 7 month period is £22,110 with oncosts the total is £28,544 which could cover the period of the year when the risks are greatest.
- 2.2 Additional costs that could be incurred in the event of unauthorised encampment are the need for security staff. If we should take a typical week (7 days) that includes a bank holiday the costs for 2 security staff would be £7,680 if we work on the basis of 4 incursions using 77/78 powers which an average time for vacating the site is around a week, then an indicative security budget for the year would be £28,000.

- 2.3 The total indicative cost of introducing an out of hours service for unauthorised encampments as set out in this paper could be £56,544.
- 2.4 Currently the council allocates an annual revenue budget of £40,000 specifically to cover legal, clean-up and repair costs incurred as a result of unauthorised encampments with the new service in place it is believed these costs can be reduced.

### 3. Legal Issues

- 3.1 There are important legal considerations relevant to unauthorised encampments. In most cases, the Council cannot force an unauthorised encampment to leave immediately. Instead the Council must follow the appropriate legal steps, i.e.
- Demonstrate ownership of the land and that the encampment does not have consent to reside on the land
  - Evidence that the Council has made enquiries regarding the general health and welfare of the adults and children on the site and taken any necessary associated action
  - Serve a formal notice on the encampment asking them to leave
  - Put a legal case together and apply for a court date.
  - Assuming that the Council is granted an Order by the court, it is then necessary to apply for a Warrant and book the Court Bailiff to implement an eviction.
- 3.2 The court may refuse to grant the Council permission to move on the encampment if they believe there is a legitimate reason for them to stay (eg for health reasons such as illness or the need to attend a medical appointment, because someone is due to give birth, to attend a funeral of a family member, to reduce the risk of the spread of Covid-19. The court may also refuse to grant the Council permission to move on the encampment if they believe the Council did not make adequate enquiries regarding the health and welfare of the people on the site.

### 4. Additional Information

- 4.1 Compared with neighbouring Councils, Surrey Heath has relatively few unauthorised encampments. Mostly these occur in the Summer months. However, when they do occur they often have significant adverse impact on the community and result in significant costs and reputational damage to the Council.

<b>YEAR</b>	<b>SHBC</b>	<b>PARISH</b>	<b>PRIVATE/SCC</b>	<b>TOTAL</b>
<b>2016</b>	1	2	2	5
<b>2017</b>	4	0	1	5
<b>2018</b>	1	0	4	5
<b>2019</b>	1	1	4	6
<b>2020</b>	2	1	0	3
<b>2021</b>	1	0	1	2
<b>TOTALS</b>	<b>10</b>	<b>4</b>	<b>12</b>	<b>26</b>

## 5. Options

5.1 The Executive has the option to:

- i) Agree to the proposed out of hours service in response to unauthorised encampments incurring the costs set out above
- ii) Not agree to the proposed out of service for unauthorised encampments

## 6. Proposal

6.1 6.1 The Executive is asked to;

- a. The introduction of an out of hours service to respond to unauthorised encampments from 1st March to 30th September
- b. The costs of this service to be agreed which includes staff costs and incidental costs caused by the unauthorised encampment e.g. security staff

## 7. Corporate Objectives And Key Priorities

7.1 The proposals contained in this report support the Council's key objectives:

**Place** – continued focus on our vision to make Surrey Heath an even better place to live. Clean, green and safe. Where people enjoy and contribute to a high quality of life and a sustainable future.

**People** – to build and encourage communities where people can live happily and healthily in an environment that the Community is proud to be part of.

## 8. Equalities Impact

8.1 In dealing with unauthorised encampments, the Council must be mindful that Gypsies and Travellers are a protected group under the Equality Act (2010).

8.2 The Council therefore has a legal obligation not to discriminate against Gypsies and Travellers. This includes any action that could be seen as direct and indirect discrimination, harassment and victimisation. The Council is also required to act in a way that fosters good relations between different communities when carrying out their activities.

8.3 The above is particularly relevant to the way the Council (including its Members and Officers) communicate with local residents about an unauthorised encampment and the language used about the people in that encampment. Regarding any Court hearing for an unauthorised encampment, the Court will examine whether the Council has followed the correct procedures and whether it is reasonable to grant an order for eviction. The Court will have regard to all relevant circumstances including welfare checks

8.4 An equality impact assessment has been completed.

## **9. Environmental Impact**

9.1 The introduction of this service is to help ensure that Surrey Heath Borough Council's green spaces are preserved for use that they are intended and that are not used dump any form of waste on that could potentially damage the natural habitat.

## **10. Consultation**

10.1 Staff have been consulted and a team has been identified that can undertake the specific roles set out above

## **11. PR And Marketing**

11.1 Communications is integral to this initiative and as described in 1.2 and 1.4. It should be noted this is a sensitive issue that will require careful communications with local residents.

<b>Annexes</b>	<b>None</b>
<b>Background Papers</b>	<b>None</b>
<b>Author/Contact Details</b>	<b>Julia Greenfield Corporate Enforcement Manager 01276 707105</b>
<b>Service Manager</b>	<b>Louise Livingston Executive Head of Transformation 01276 707403</b>