

14 October 2013

Agenda Item: 5

**REPORT OF SERVICE DIRECTOR TRANSPORT, PROPERTY &  
ENVIRONMENT****DEALING WITH ILLEGAL AND UNAUTHORISED ENCAMPMENTS:  
A SUMMARY OF AVAILABLE POWERS****Purpose of the Report**

1. To bring to the attention of the Committee, a guidance document that was circulated by the Department of the Communities and Local Government (DCLG) during the summer regarding illegal and unauthorised encampments.

**Information and Advice**

2. A letter dated 9 August, 2013 was circulated by DCLG to all leaders and Chief Executives of local councils, providing guidance on the powers available to deal with illegal and unauthorised encampments.
3. A copy of the guidance document is outlined in appendix 1.0. As will be noted the paper provides initial guidance on the process and procedures that a Council should have in place for dealing with encampments and highlights a range of numerous statutory powers that may be used both by the Local Authority and the Police. In addition there is a concluding section on powers that may be invoked to deal with the clean-up of land post occupation.
4. The Council has an established guidance protocol to follow, which is shown in appendix 2.0, when a report is received of an unauthorised encampment. This aligns with DCLG guidance of:-

*"Developing a clear notification and decision making process to respond to instances of unauthorised encampments"*

5. During the last 12 months NCC has experienced 15 occurrences of unauthorised encampments on land. When the Council takes legal proceedings it relies on its common law power as landowner and pursues a possession order through the County Courts. Any landowner, whether a local authority or not, could seek a possession order this way. In most cases the occupiers of the land move on immediately prior to the hearing date. As an example outlined below is a time line for events on the most recent occupation at Gresham Fields, West Bridgford: -

Date Notified	Notice Served	Court Hearing	Outcome
30/07/2013	01/08/2013	06/08/2013	Moved on before hearing

## **Other Options Considered**

6. This report is for information only.

## **Reason/s for Recommendation/s**

7. In order that members of the committee may have an appreciation of central government's view on how unauthorised encampments should be resolved and be able to compare DCLG guidance to the procedures that are followed at Nottinghamshire County Council.

## **Statutory and Policy Implications**

8. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

## **RECOMMENDATION/S**

- 1) The committee is requested to note the report that outlines central government guidance on resolving illegal and unauthorised encampments.

**Jas Hundal**

**Service Director- Transport, Property and Environment**

**For any enquiries about this report please contact: Andrew Stevens 0115 977 2085**

## **Constitutional Comments (SB 28.08.13)**

9. As this report is for noting only, constitutional comments are not required

## **Financial Comments (TR 4.9.13)**

10. As this report is for noting only, financial comments are not required.

## **Background Papers and Published Documents**

11. Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

## **Electoral Division(s) and Member(s) Affected**

12. Ward(s): n/a  
Member(s): n/a

File ref.: /SL/SL/

SP: 2503 Properties affected: 09998 - Various NCC Properties/non-properties