

Parker, Christine

From: Wortley, Stuart
Sent: 18 June 2018 13:41
To: Wortley, Stuart
Cc: Parker, Christine
Subject: Consultation - Mills & Reeve (2)

From: Christopher Bartley [mailto:christopher.bartley@mills-reeve.com]
Sent: 13 June 2018 17:55
To: 'Peter Bourke' <Peter.Bourke@wilsonslip.com>; Wortley, Stuart <StuartWortley@eversheds-sutherland.com>; 'Charlotte.Tyfield@gowlingwlg.com' <Charlotte.Tyfield@gowlingwlg.com>
Subject: RE: Consultation on unauthorised development and encampments

Dear Peter

On one occasion the police officer who I spoke to did not seem aware of section 61 of the 1994 Act; or willing to really consider it. I was told that it was a civil matter and a possession order was required from the court.

I cannot quite remember whether reasons were given on other occasions. On one occasion I think there was an issue because the vehicles were coming and going regularly. The police were not satisfied that there were six or more vehicles on the land (I was relying on s61(1)(b)).

Kind regards

Christopher Bartley
Principal Associate
for Mills & Reeve LLP

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Tel: +(44)(0)121 456 8423 (Ext 8423)
Twitter: [@MillsandReeve](#)
christopher.bartley@mills-reeve.com
www.mills-reeve.com
www.property-matters-law.co.uk

78-84 Colmore Row
Birmingham B3 2AB
DX 707290 BIRMINGHAM 65

From: Peter Bourke [mailto:Peter.Bourke@wilsonslip.com]
Sent: 13 June 2018 17:41
To: Christopher Bartley; 'StuartWortley@eversheds-sutherland.com'; 'Charlotte.Tyfield@gowlingwlg.com'
Subject: RE: Consultation on unauthorised development and encampments

Dear Christopher

Thank you for your email.

I presume from your email that one the occasions you have asked the police to exercise their powers under s.61. did they did not do so but I would be grateful if you could confirm. Could you also let us know whether they gave any reasons or was it simply a bare refusal?

I look forward to hearing from you.

Kind regards

Peter

Peter Bourke
Partner



Wilsons Solicitors LLP
T 01722 427 715
F 01722 411 500
M 07801 259 150

Web: www.wilsonslp.com



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From: Christopher Bartley [<mailto:christopher.bartley@mills-reeve.com>]
Sent: 13 June 2018 17:39
To: 'StuartWortley@eversheds-sutherland.com'; Peter Bourke; 'Charlotte.Tyfield@gowlingwlg.com'
Subject: RE: Consultation on unauthorised development and encampments

Dear all

My experience of s61 of the 1994 Act is that there is either: (a) reluctance on the part of the police to exercise their powers under section 61; or (b) a lack of awareness on the part of the police of those provisions.

I have not been involved in a matter where the police have exercised powers under s61. I have asked the police to exercise their powers under s61 on around three occasions.

I have not sought to rely on section 62A before.

Hope this helps.

Kind regards

Christopher Bartley
Principal Associate
for Mills & Reeve LLP

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Tel: +(44)(0)121 456 8423 (Ext 8423)
Twitter: [@MillsandReeve](https://twitter.com/MillsandReeve)
christopher.bartley@mills-reeve.com
www.mills-reeve.com
www.property-matters-law.co.uk

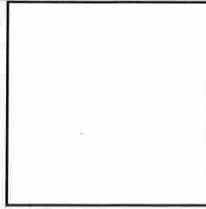
78-84 Colmore Row
Birmingham B3 2AB
DX 707290 BIRMINGHAM 65

From: Property Litigation Association [<mailto:mary.block=pla.org.uk@mail21.atl111.rsgsv.net>] **On Behalf Of**
Property Litigation Association

Sent: 11 June 2018 17:42

To: Christopher Bartley

Subject: Consultation on unauthorised development and encampments - URGENT



Message to all PLA members

As you may be aware, the Ministry of Communities and Local Government is conducting a consultation on unauthorised development and encampments (a) to establish the effectiveness of the existing powers of local authorities and the police are effective and (b) to assist the Government in considering future policy and legislative proposals.

<https://www.gov.uk/government/consultations/powers-for-dealing-with-unauthorised-development-and-encampments>

Whilst most of the questions raised by the consultation are directed at local government, many of our members will have relevant experience of dealing with unauthorised encampments (both for local government clients and private landowners) which we would like to collate and pass on.

The Law Reform Committee would like to hear from any members in relation to the following issues:-

To assist us in responding to Question 2 of the Consultation

- a. If PLA members have dealt with the removal of unauthorised traveller encampments within the last 2 years, please provide details of location and scale.
- b. If the relevant land needed repairing or cleaning afterwards, what was involved and was the approximate cost ?
- c. How did the unauthorised encampment come to an end and how long did it take ?

To assist us in responding to Question 6 of the Consultation

If PLA members have experience of asking the police to exercise powers to direct travellers to leave land pursuant to sub-ss 61 / 62A Criminal Justice and Public Order Act 1994, what was their experience ?

To assist us in responding to Question 12 of the Consultation

If PLA members have used the procedure for obtaining an Interim Possession Order (CPR Parts 55.20 to 55.28), what was their experience ?

With apologies for the short notice, please reply to Stuart Wortley, Peter Bourke and Charlotte Tyfield who are co-ordinating the Association's response **by 5.30 pm on Friday 15 June.**

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