

Parker, Christine

From: Wortley, Stuart
Sent: 18 June 2018 13:40
To: Wortley, Stuart
Cc: Parker, Christine
Subject: Consultation - Penningtons

From: Peter Bourke [mailto:Peter.Bourke@wilsonslp.com]
Sent: 12 June 2018 14:36
To: 'Sabrina Furneaux-Gotch' <Sabrina.Furneaux-Gotch@Penningtons.co.uk>; Wortley, Stuart <StuartWortley@eversheds-sutherland.com>; Charlotte.Tyfield@gowlingwlg.com
Subject: RE: Consultation on unauthorised development and encampments - URGENT

Dear Sabrina

Thank you.

Kind regards

Peter

Peter Bourke
Partner



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

Web: www.wilsonslp.com



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From: Sabrina Furneaux-Gotch [mailto:Sabrina.Furneaux-Gotch@Penningtons.co.uk]
Sent: 12 June 2018 14:35
To: StuartWortley@eversheds-sutherland.com; Peter Bourke; Charlotte.Tyfield@gowlingwlg.com
Subject: RE: Consultation on unauthorised development and encampments - URGENT

- 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.

Three times.

London. Commercial property. 5/6 persons.

Oxford. Commercial property: organised group up to 15 persons. Group called Iffley Open House.
<https://www.bbc.co.uk/news/uk-england-oxfordshire-3950914> (we did not act in the reported matter).

High Wycombe. Open land. 20 persons. 6 + vehicles.

- b. If the relevant land needed repairing or cleaning afterwards, what was involved and was the approximate cost? All three times significant clean up, not aware of costs. Oxford commercial property clean up cost was thousands.

- c. How did the unauthorised encampment come to an end and how long did it take? Possession proceedings and enforcement action in all cases. Between 3 and 6 weeks.

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? The Police refused, even in cases where there had been forced entry and a significant number of vehicles. I had a long conversation with Insp. Pete Wall | Rural Neighbourhood Inspector, High Wycombe LPA and he read me the policy below. The policy was not applied fairly to the case (in my view) – I was given the example of trespassers being close to a motorway as a reason to intervene – in my case the trespassers were close to a working saw mill but this was deemed to be different and less dangerous. Concerned about occupier's liability (and generally wanting to avoid an incident) large sums of money were spent on increased security.

I was sent the following:

Appendix B: Use of Police Powers

As per National Police Chiefs Council (NPCC) and DCLG guidance, Local Authorities have a leadership role to play in the management of unauthorised encampments. NPCC recommend police should consider becoming involved in bringing about the prompt and lawful removal of unauthorised encampments where:

- 1. Local amenities are deprived to communities or there is significant impact on the environment
This could include a recreation ground, public park, school field, public car park. There must be evidence that other sections of the community are being deprived of the amenities before action is taken.*
- 2. There is local disruption to the economy
This could include significant disruption to workers or customers using business premises or if an encampment is on agricultural land and it results in loss of use of the land for its normal purpose.*
- 3. There is other disruption to the local community or environment
This would include ASB/criminal activity linked to those present at an encampment, which is so significant that prompt eviction by Police becomes necessary rather than by other means.*
- 4. There is a danger to life
For instance where an unauthorised encampment is on the edge of a motorway and there is a danger of children or animals straying onto the carriageway.*

5. *There is a need to take preventative action*

For instance where a known group of individuals have caused or persistently displayed anti-social behaviour at previous sites and it is reasonably believed that such behaviour will be displayed at a newly established site.

In all the above cases police action will still need to be lawful proportionate and necessary and compliant with Human Rights and Equality legislation. The mere presence of an encampment without any aggravating factors should not normally create an expectation that police will use eviction powers. If Section 61 CJPOA 1994 powers are to be used it will also be necessary to show that the landowner has taken reasonable steps to ask trespassers to leave before police powers can be used.

Sabrina Furneaux-Gotch

Senior Associate
Real Estate Litigation

T: +44 (0)1865 813 608



**PENNINGTONS
MANCHES**

Penningtons Manches LLP

9400 Garsington Road
Oxford Business Park
Oxford OX4 2HN

T: +44 (0)1865 722106
F: +44 (0)1865 201012
DX: 155710 Oxford 13
www.penningtons.co.uk

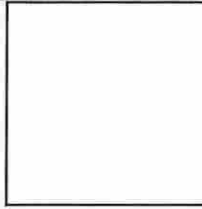


From: Property Litigation Association <mary.block=pla.org.uk@mail1.sea21.rsgsv.net> **On Behalf Of** Property Litigation Association

Sent: 11 June 2018 17:42

To: John Morrison <John.Morrison@Penningtons.co.uk>

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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