

**Parker, Christine**

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**From:** Wortley, Stuart  
**Sent:** 21 June 2018 09:29  
**To:** Wortley, Stuart  
**Subject:** Consultation - Shoosmiths  
**Attachments:** PLA questions on unauthorised encampments - v1.0 - DMS-17288624 - v1.0.docx

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**From:** Shepherd, Lucy [mailto:Lucy.Shepherd@shoosmiths.co.uk]  
**Sent:** 18 June 2018 15:49  
**To:** Wortley, Stuart <StuartWortley@eversheds-sutherland.com>; Peter.Bourke@wilsonslaw.com; Charlotte.Tyfield@gowlingwlg.com  
**Subject:** FW: Consultation on unauthorised development and encampments - URGENT

Dear all

Apologies for the lateness but please find attached a couple of examples to assist with the relevant questions on the consultation.

Kind regards

Lucy

**Lucy Shepherd**  
Professional Support Lawyer

**SHOOSMITHS LLP**

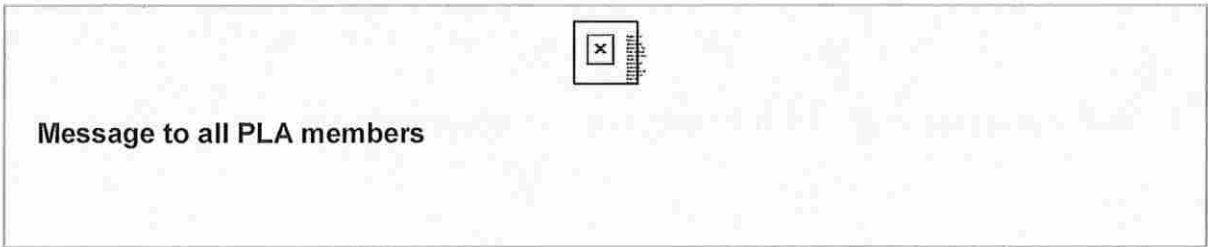
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**From:** Property Litigation Association [mailto:mary.block=pla.org.uk@mail21.atl111.rsgsv.net] **On Behalf Of** Property Litigation Association  
**Sent:** 11 June 2018 17:42  
**To:** Shepherd, Lucy <Lucy.Shepherd@shoosmiths.co.uk>  
**Subject:** Consultation on unauthorised development and encampments - URGENT



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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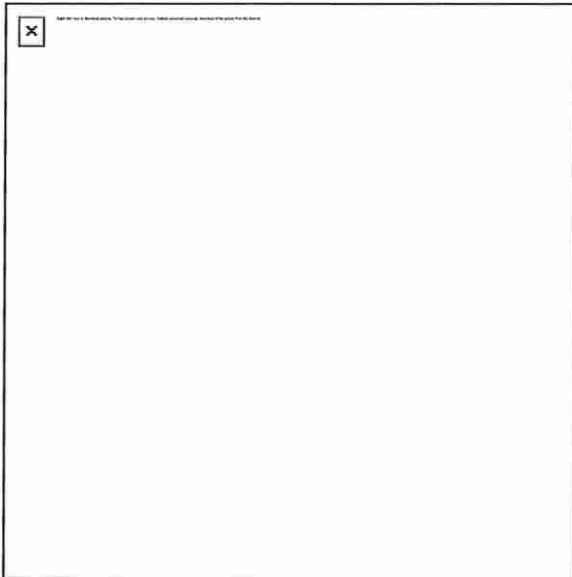
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**1 If you have dealt with the removal of unauthorised traveller encampments within the last 2 years, please provide details of location and scale.**

Example A: Greater London – 10 vehicles and 8 caravans.

Example B: Yes – about 20 caravans on a site near York.

**2 If the relevant land needed repairing or cleaning afterwards, what was involved and was the approximate cost?**

Example A: The land was a commercial building with adjacent car parks. The travellers broke in and removed scrap metals and deposited building waste on the land. The cost of remediation was not an issue as the land was handed, following the eviction, to demolition contractors.

Example B: Some clearing up and damage repair was required. Cost not known.

**3 How did the unauthorised encampment come to an end and how long did it take?**

Example A: The travellers were evicted by the High Court Enforcement Officer. The process took 7 days. The local County Court (where the proceedings have to be issued unless urgency can be demonstrated) was not responsive as their process did not allow for proceedings to be expedited or issued with an early return date at their counter. We had to issue in the High Court and demonstrate urgency to secure possession at the earliest possible time. The County Court would not issue without first referring the matter to a District Judge (which process had no timescale for the return of the decision from the District Judge) and in the end, with the client's blessing and understanding the risks, we issued in the High Court and enforced using the HCEO. We had no confidence that the County Court would deal with the matter in an efficient manner either for issue or enforcement.

Example B: Police serving a Section 61 CJPOA1994 Notice because of threats and intimidation.

**4 If you 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 your experience?**

Example A: The Police will not exercise their powers. The fear seems to be that if notice is given they will have to deploy a lot of manpower to follow through. Not something the police want to commit to when, it seems, they consider that the cost can be borne by the landlord owners.

Example B: That the police take very much a "tickbox" approach to us using the ACPO Guidance on Unauthorised Encampments.

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

Example A: Not used. The preference is to use a Part 56 claim as the enforcement is immediately arranged.

Example B: No. If the travellers are being a nuisance (and they almost always are), it is almost always better to go straight for an order to abridge service and follow the guidance of the Chief Master and Senior Master dated 30 September 2016.