

Information for residents on Unauthorised Encampments

The land owner is responsible for unauthorised encampments; Reading Borough Council (RBC) would be the lead agency if the unauthorised encampment is on council land. The duty of the Police is to preserve peace and prevent crime.

Unauthorised camping is not a criminal offence. Trespass is a civil offence, giving land owners and local authorities the right to repossess their property using the due process of law.

- Report an unauthorised encampment to Reading Borough Council's Anti-Social Behaviour Team via our Call Centre on **0118 937 3787** or email: **ASB.Team@reading.gov.uk**
- Any crime, disorder or nuisance associated with an encampment should be reported to Thames Valley Police on the **101** phone number or via the Thames Valley Police website.



What happens when RBC receive details of an unauthorised encampment?

First of all, RBC Officers will ascertain who the land belongs to.

If the land is owned by the council, they will usually visit the site within 1 working day to make an assessment of the situation and carry out welfare checks. Welfare checks include signposting the occupants of the site to housing advice, medical facilities or any other service they may require. At this point they are told that they are trespassing and told they must vacate the site otherwise legal action will be taken.

If the land is privately owned, it is usually the land owner's responsibility to take the necessary action to evict them. The landowner can attempt to agree a leaving date with the travellers or take proceedings in the County Court under the Civil Procedure Rules 1998 to obtain a Court Order for their eviction.

Can the council move travellers on immediately?

No, the council must:

- Show that the travellers are on land without consent
- Make enquiries regarding the general health, welfare and children's education
- Ensure that the Human Rights Act 1998 has been fully complied with
- We also provide travellers with the ability to dispose of their waste and provide them with a Code of Conduct sheet

To do this, the council follows a civil legal process, alongside Government guidance, which involves proving ownership of the land, obtaining details of the encampment, assessing an encampment's effect on the local area, and serving notices and summonses to ensure the most appropriate response is taken.

Once council officers have visited the site to carry out an assessment,

they prepare evidence, which is reviewed to determine the most appropriate power available to the council to remove the encampment. This may include a request to the police to use the powers available to them. In most cases, officers will pass the assessment and evidence to the council's legal team. The legal team will apply to the court for a possession order hearing. How quickly the hearing can be listed is

dependent on the available space at court. If the court grants the council possession, the council will use bailiffs to enforce the order.

It is not possible to provide a time scale for this process, however our experience is that this can take up to three weeks. There may be further delays if there are welfare concerns for those occupying the land which need attention.

Police responsibilities when there is an unauthorised encampment on council owned land

Periodic visits to the site by police officers can be beneficial to get to know the site residents and pick up on any community tensions that may lead to more serious incidents.

The police should discuss what constitutes unacceptable conduct and they may also provide a Code of Conduct to the travellers which they ask them to adhere to.



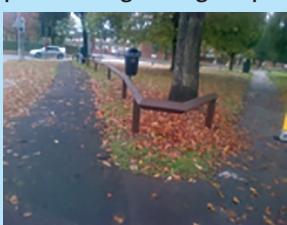
The Police may use powers under Section 61 of the Criminal Justice and Public Order Act 1994, if they consider it appropriate (although Section 61 cannot be used on encampments on the highway). These powers are discretionary and they will consider the following as guidance:

- Are communities deprived of local amenities or is there a significant impact upon the environment?
- Is there local disruption to the economy?
- Is there other significant disruption to the local community or environment?
- Is there a danger to life?
- Has there been a significant increase in local crime directly attributable to the encampment?

The police are bound by the Human Rights Act and may be constrained in the use of Section 61 in circumstances where it would preclude welfare considerations from being applied by the civil courts. It is for the police alone to decide if Section 61 is to be utilised.

What measures can we take to prevent unauthorised encampments?

The council were granted an injunction for all park land and open spaces preventing one group of travellers who were frequently trespassing on the council land in 2009. Options are being considered for a new injunction.



Measures have also been taken to safeguard a number of open spaces by installing railing, fencing and bollards

Dealing with Anti-Social Behaviour (ASB) on unauthorised encampments

Reading's Community Safety Partnership is committed to tackling ASB and recognises that this type of behaviour may occur on unauthorised encampments. The Lead Officer will co-ordinate any action including enforcement action against those individuals who cause ASB within the borough and will also consider what type of action is appropriate in each given case. The Lead officer will work in partnership with the Police in assessing the necessary level of response for each individual incursion. They ensure the duty Inspector is kept up to date on all ASB and update any assessment of their use of their Section 61.

What rights do travellers have?

Everyone has rights, including travellers, the local community and the people who own the land where the unauthorised encampment is located. Ethnic groups who have a particular culture, language or values, are protected from discrimination by the Race Relations (Amendment) Act 2000 and the Human Rights Act 1998.

The decision to adopt a travelling lifestyle where housing need is met through living within a vehicle either on a long or short-term basis is made by a wide variety of people for a wide variety of reasons. It is therefore important that travellers are not denied the right to mainstream services that the council provide.