
REPORT TO:	HOUSING AND COMMUNITY SERVICES COMMITTEE	AGENDA ITEM: 10
DATE OF MEETING:	7th JUNE 2018	CATEGORY: RECOMMENDED
REPORT FROM:	STRATEGIC DIRECTOR SERVICE DELIVERY	OPEN
MEMBERS' CONTACT POINT:	MATT HOLFORD – ENVIRONMENTAL HEALTH MANAGER	DOC:
SUBJECT:	CONSULTATION – POWERS FOR DEALING WITH UNAUTHORISED DEVELOPMENT AND ENCAMPMENTS	REF:
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE: HCS12

1. Recommendations

- 1.1 That Members note the content of the current consultation on powers for dealing with unauthorised development and encampments.
- 1.2 That Members authorise completion of the Consultation Survey being undertaken by the Ministry of Homes, Communities and Local Government (MHCLG – formerly DCLG) in order that the comments set out in the Appendix to this report can be submitted to the Ministry as this Authority's response in the appropriate format.

2. Purpose of Report

- 2.1 To seek members approval for the proposed response to the national consultation on powers for dealing with unauthorised development and encampment.

3. Background

- 3.1 Recent debates in Parliament have addressed the topic of unauthorised traveller encampments, and Members of Parliament have expressed their constituents' concerns regarding the impact on both settled and nomadic populations.
- 3.2 Unauthorised encampments can cause settled communities significant distress and they can perpetuate a negative view of the travelling community, the vast majority of whom are law abiding citizens. This is an issue which has also generated a lot of local interest over recent years.
- 3.3 The consultation is seeking to understand more about the nature of the issue, the effectiveness of enforcement powers, whether these can be strengthened and whether existing measures can be used more effectively.
- 3.4 The consultation document seeks responses to specific questions relating to unauthorised encampments. Officers have extensive experience in the practicalities

of applying the existing law and guidance to managing unlawful encampments. Relevant responses to the questions in the consultation have been collated from front line staff in the environmental health, planning and legal service teams. The collated responses to the relevant questions are contained in Appendix A to this report.

- 3.5 The scope of our response does not cover comments on matters which are outside the jurisdiction or experience of officers of this authority. For example questions 6, 7 and 8 of the consultation relate to the use of Police powers. Any opinions on questions which are outside the jurisdiction of the Council will be expressed as individual responses to the consultation and not as part of the Council's corporate response.

4. Summary of the Response

4.1 The key issues which form the detail of the proposed Council consultation response are;

- *Incidents of unauthorised encampments have reduced over the last decade in South Derbyshire due to the Council's investment in protecting land.*
- *Improved statutory guidance given to Councils on the use of enforcement powers, in order to reduce the uncertainty within the legal process, speed up the process and reduce the potential of legal challenge, would be welcomed.*
- *The Council has started using new Community Protection Notice powers to mitigate the impact of unauthorised encampments, but it does not currently have enough evidence to suggest whether the use of these powers offer a useful remedy.*
- *The Council would like to see the introduction of a more streamlined process to more quickly determine planning appeals against some types of enforcement action.*
- *The use of a more intelligent method to calculate the local number of allocated traveller sites per authority would be welcomed.*

5. Financial Implications

5.1 Nil.

6. Corporate Implications

6.1 The proposals align with the "People" Corporate Plan theme and specifically with aim PE3 "Use existing tools and powers to take appropriate enforcement action".

7. Community Implications

7.1 Neutral.

8. References

- 8.1 "Consultation – Powers for Dealing with Unauthorised Development and Encampments", 2018, MCLG.
- 8.2 "Guide to effective use of enforcement powers: Part 1: Unauthorised encampments", 2006, ODPM

- 8.3 “Guidance on Managing Unauthorised Camping”, 2006, ODPM.
- 8.4 “Supplement to ‘Managing Unauthorised Camping: A Good Practice Guide”, 2005, ODPM
- 8.5 “Dealing with illegal and unauthorised encampments: A summary of available powers”, 2015, DCLG