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Title of meeting:	Cabinet / Full Council
Subject:	Unauthorised Encampments
Date of meeting:	28 November 2023 (Council - 12 December 2023)
Report by:	James Hill, Director of Housing, Neighbourhood and Building Services
Report Author:	Colette Hill, Assistant Director of Neighbourhoods Lauren Taylor, Head of Community Safety
Wards affected:	All

1. Requested by Full Council

2. Purpose

- 2.1. Following a notice of motion at Full Council on the 18 July 2023 this report updates Cabinet on the location and duration of all PCC (Portsmouth City Council) land unauthorised encampments within the last 7 years with the following information:
 - To provide a breakdown of the costs associated to council services within each event, including clean-up thereafter.
 - To provide an update on preventative measures put in place as a response to encampments.
 - To highlight consultation and support conducted with residents in the locality and timeframe of both.'
- 2.2. For Cabinet to note, for onward submission to Full Council as requested in the Notice of Motion agreed on 18 July 2023.

3. Background

- 3.1. Gypsy, Roma, and Traveller (GRT) communities are a legally recognised ethnic group. The GRT community typically occupy unauthorised encampments and are a protected race under the equality act 2010.
- 3.2. The Equality Act came into force from October 2010 providing a modern, single legal framework with clear law to better tackle disadvantage and discrimination. When taking action to remove unauthorised encampments, it is important to understand the Equality act.
- 3.3. Community Wardens are the lead team in responding to unauthorised encampments in the city and PCC land holding outside the city. Community Wardens respond to reports of

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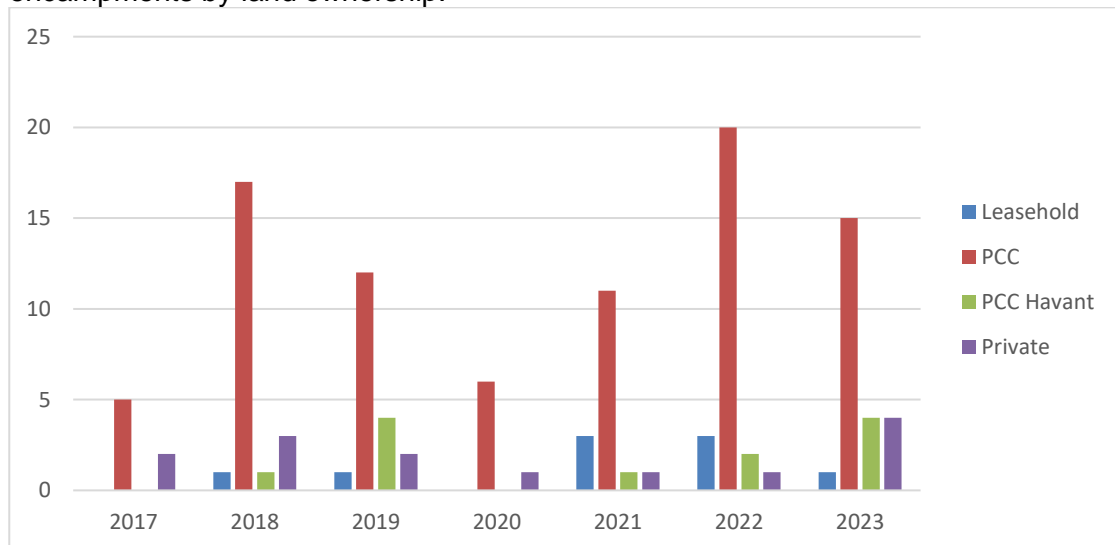
encampments, assessing the size and make-up of the encampment whilst carrying out welfare checks. They lead on serving of notices when necessary and liaise with the team that manage the land (landowner if private land) and the Police.

- 3.4. Whilst the Community Warden team respond and manage unauthorised encampments and carry out preventative checks, they are not able to physically prevent encampments occurring.
- 3.5. The Community Warden team receive and share intelligence within the region and work closely with other PCC departments to share information to ensure departments with 'vulnerable' sites are aware of the potential for an encampment.
- 3.6. The process for dealing with unauthorised encampments is shared annually with all members (appendix 5)

4. Information Requested

4.1. Location and duration of all PCC land unauthorised encampments within the last 7 years

- 4.1.1. Since 2017, there have been 109 encampments in Portsmouth (46 locations) and 12 in Havant on land owned by Portsmouth City Council (3 locations). The graph below shows encampments by land ownership.



- 4.1.2. The locations of encampments are shown in Appendix 1.
- 4.1.3. The average duration of encampment per location are showing in Appendix 2.
- 4.1.4. On the 28th of June 2022, Part 4 of the Police, Crime, Sentencing and Courts Act (PCSC Act) significantly amended the Criminal Justice and Public Order Act 1994 (CJPO Act) and expanded the powers that police have in relation to unauthorised encampments.

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4.1.5. Section 60C-E of the CJPO Act provides a criminal offence for “residing on land without consent in or with a vehicle”. For the offence to apply the trespasser must have at least one vehicle with them. The trespasser’s residence or conduct on the land must also have caused (or be likely to cause) significant damage, disruption, destruction, or distress. The landowner, someone representing the landowner, or the police can ask those who have met the criteria of this offence to leave the land. If the individual(s) trespassing fails to leave “as soon as reasonably practicable” after being requested to, the police can arrest them. The police can also seize and remove vehicles from those suspected of this offence.

4.1.6. With the new legislation coming into place, the time taken to manage encampments is as follows per action taken over the last 2 years;

Row Labels	2022		2023		Average of Total Time of Encampment	Total Count of Location
	Avg. Time of Encampment	Count of Location	Avg. Time of Encampment	Count of Location		
Injunction			14.00	1	14.00	1
No Action	2.80	5	3.50	3	3.00	8
NTQ	18.00	1	7.67	3	10.25	4
S61	3.14	7	2.40	6	2.83	13
S77	5.44	9	8.38	7	6.82	16
Unknown	0.25	4	3.20	4	1.89	8
Grand Total	4.00	26	5.79	24	4.86	50

(In nearly every case of a S61, a S77 notice is served in the first instance)

(Time in days)

4.1.7. Officers in community safety attend the police daily management meeting where unauthorised encampments are discussed and plans are quickly mobilised to act.

4.2. Costs are spread across a variety of different departments in the council depending on ownership and the management undertaken for each site.

4.2.1. In November 2022, a cost analysis was completed relating to the 26 encampments throughout the year.

4.2.2. Each encampment averages 42 community warden hours costing a total £1,029 in time. For The number of encampments in 2022, this would equate to 1,092 hours in time with a monetary value of £26,754. The community wardens can only prevent encampments by check sites are locked. This costs is only for dealing with them once they have arrived in the city.

4.2.3. In addition, community wardens will patrol frequented sites weekly for signs of access to and to target harden vulnerable spots, this averages at 20 hours of patrols a week throughout the year.

4.2.4. The estimated cost for the community warden team to manage vulnerable sites and unauthorised encampments equates to 1,812 hours - cost £44,394. This is equivalent to 1 full time community warden.

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4.2.5. In addition to community warden hours, there are also associated costs for:

- legal costs which range from £246 for a section 77 application through to £1,960 for an injunction.
- Clearance costs related to sites previously occupied by an encampment depends on the volume/type of waste left behind and can range from £42.02 to £1933.

4.2.6. In 2022, of 24 encampments, 16 had minimal waste issues with 8 x reports of significant waste issues including fly tipping. There were 3 x locks damaged and 4 x posts. Costs are shown in Appendix 4.

4.3. Preventative measures put in place as a response to encampments.

4.3.1. Historically, ad hoc measures have been put in place at vulnerable sites - these have included barriers, large stones, tree planting, bunding and additional posts.

4.3.2. In Autumn 2022, a cross directorate group held their annual review meeting of sites that had been subject to unauthorised encampments during the year and agreed to prepare a capital bid to target harden areas where repeated unauthorised encampments occurred. £70,000 was allocated (23/24) to deal with the identified vulnerabilities. See appendix 3.

4.3.3. The cross-directorate review group met in October 2023 to consider encampments that had occurred in 2023. There is a current planning application in to further protect a site situated in Stockheath Common, Havant. No further measures were identified.

4.4. Consultation and support conducted with residents in the locality and timeframe of both.

4.4.1 Residents can report unauthorised encampments to Safe, Clean and Tidy for Community wardens to preliminary respond and act accordingly - they can also report incidents to the Police. Other sources of information relating to unauthorised encampments come from the Police, CCTV (Closed circuit television), traffic management, seafront services and parks teams.

4.4.2 In 2018 the Portsmouth City Council commissioned a Gypsy and Traveller Accommodation Assessment (GTAA).

4.4.3 Opinion Research Survey (ORS) completed the GTAA for Portsmouth as part of a wider assessment of housing need and a GTAA Report was published in November 2018.

4.4.4 The GTAA found that there were no Gypsy and Traveller sites and no Travelling Showmen's yards in Portsmouth and concluded that because of this, there was no current or future need for pitches or plots.

4.4.5 The GTAA also concluded that because of low numbers of recorded encampments in Portsmouth, there was no need for the Council to provide any formal transit sites, and that a management-based approach should be used for dealing with any encampments that do occur ¹.



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- 4.4.6 ORS have been commissioned to complete a further GTAA in 2023. This will cover;
 - Review of any new permissions, appeals and enforcement actions since the GTAA
 - Engagement with local stakeholders
 - Review of potential needs from bricks and mortar households
 - Review of encampment data
 - Complete a new GTAA reports for Portsmouth

- 4.4.7 The GTAA will inform the local plan moving forward in dealing with encampments. From a stakeholder meeting held on the 20th October 2023, the consensus was that While the assessment identifies instances of unauthorised encampments, these are due to Gypsies and Travellers using the city for its seafront location for short periods over the summer months. These are managed effectively by the Council in partnership with the Police. This use of the City by Gypsies and Travellers does not currently result in any formal need for transit sites within the plan period.

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Signed by Director of Housing, Neighbourhood and Building Services

Appendices: shown below

- Appendix 1 - Location of Encampments*
- Appendix 2 – Average length of Encampments*
- Appendix 3 – Site prevention measures*
- Appendix 4 - Cost of clear up following encampments.*
- Appendix 5 - Unauthorised Encampments - Briefing Note*

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location



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Appendix 1 - Location of Encampments

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Row Labels	2017	2018	2019	2020	2021	2022	2023	Grand Total
St Jude		4	5	3	4	5	6	27
D-Day Car Park		1	1		2	1	2	7
Pyramids Car Park			1				1	2
Queens Hotel Clarence Parade (private land)					1		1	2
Southsea Common		3	3	3		4	2	15
Western Parade					1			1
Cosham		2	1	1	2	7	3	16
Busy bees car park cosham		1						1
King George the V car park Lynx House						2	1	3
King George the V Field						2	2	4
King George v car park Cosham (By changing rooms)			1	1				2
Lake Side Northern Road		1			1	1		3
Mill Lane, Fort Widley Car Park						1		1
Peta Car Park, Northarbour Road						1		1
View Point Portsdown Hill					1			1
Paulsgrove		4	2	2	3	1	1	13
Allaway Avenue				1				1
Marina Keep Portsolent		1						1
Port Solent Car Park (private land)			1		2	1	1	5
Port Solent Field				1	1			2
Port Way Port Solent (private land)			1					1
Southwick Road. View Point		1						1
Watersedge Park Portsolent		2						2
St Thomas		5	1		3	2	1	12
Pembroke Gardens		5	1		3	2		11
Victoria Spur Road (Parking Bays)							1	1
Havant (Battins)		1	3		1	2	3	10
Stockheath Common			1	3	1	2	3	10
Nelson	3		1		1	3	1	9
Park and Ride	3		1		1	3	1	9
Hilsea	1	1	2	1	1	2		8
Alex Way, Hilsea		1			1	1		3
Gatcombe Park			1					1
Hilsea Splashpool			1					1
London Road, Hilsea Opposite Lido.	1							1
Mountbatten Car Park						1		1
Rugby Camp Norway Road				1				1
Drayton and Farlington		1	2			1	2	6
Drayton Lane, Portsdown Hill						1		1
Lower Drayton Lane							1	1
Sainsburys Farlington							1	1
Sainsburys Farlington (private land)			1	1				2
Zetland Park				1				1
Eastney and Craneswater	1	2					2	5
Canoe Lake Southsea		1						1
Ferry Road, Eastney		1						1
Frazer Gunnery Site	1							1
Royal Marines Musuem Eastney Esplanade							2	2
Havant (Barncroft)			1				3	4
Dunsbury Park, Havant. PCC Land			1				1	2
Ramsdale Field							2	2
Copnor		2				2		4
Anchorage Park						1		1
Dundas Lane, Avis car park			1					1
Grass area near Andrew Simson Centre						1		1
Nevil Shute Rd, Hilsea			1					1
Baffins	1		1			1		3
Eastern Road, Milton Common	1		1			1		3
St Thomas							1	1
Victoria Spur Road (Parking Bays)							1	1
Baffins					1			1
Milton Common					1			1
Milton							1	1
Langstone Harbour Sportsground, Eastern Road							1	1
Charles Dickens	1			7				1
Sainsburys Commercial Road	1							1
Grand Total	7	22	19	7	16	26	24	121

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Appendix 2 - Average length of encampments (days)

Row Labels	2017	2018	2019	2020	2021	2022	2023	Grand Total
Alex Way, Hilsea		0.00			0.00	9.00		3.00
Allaway Avenue				1.00				1.00
Anchorage Park						0.00		0.00
Busy bees car park cosham		0.00						0.00
Canoe Lake Southsea		3.00						3.00
D-Day Car Park		0.00	2.00		0.50	3.00	2.00	1.43
Drayton Lane, Portsdown Hill						0.00		0.00
Dundas Lane, Avis car park		3.00						3.00
Dunsbury Park, Havant. PCC Land			6.00				12.00	9.00
Eastern Road, Milton Common	0.00		5.00			9.00		4.67
Ferry Road, Eastney		244.00						244.00
Frazer Gunnery Site	0.00							0.00
Gatcombe Park			2.00					2.00
Grass area near Andrew Simson Centre						1.00		1.00
Hilsea Splashpool			2.00					2.00
King George the V car park Lynx House						3.50	8.00	5.00
King George the V Field						7.00	1.50	4.25
King George v car park Cosham (By changing rooms)			8.00	5.00				6.50
Lake Side Northern Road		1.00			3.00	1.00		1.67
Langstone Harbour Sportsground, Eastern Road							3.00	3.00
London Road, Hilsea Opposite Lido.	2.00							2.00
Lower Drayton Lane							0.00	0.00
Marina Keep Portsolent		5.00						5.00
Mill Lane, Fort Widley Car Park						4.00		4.00
Milton Common					5.00			5.00
Mountbatten Car Park						1.00		1.00
Nevil Shute Rd, Hilsea		3.00						3.00
Park and Ride	2.00		1.00		9.00	4.67	3.00	3.67
Pembroke Gardens		2.20	0.00		6.00	4.00		3.36
Peta Car Park, Northarbour Road						0.00		0.00
Port Solent Car Park (private land)			1.00		31.50	0.00	0.00	12.80
Port Solent Field				4.00	8.00			6.00
Port Way Port Solent (private land)			1.00					1.00
Pyramids Car Park			6.00				6.00	6.00
Queens Hotel Clarence Parade (private land)					2.00		3.00	2.50
Ramsdale Field							7.00	7.00
Royal Marines Musuem Eastney Esplanade							6.00	6.00
Rugby Camp Norway Road				1.00				1.00
Sainsburys Farlington							1.00	1.00
Sainsburys Commercial Road	0.00							0.00
Sainsburys Farlington (private land)		366.00	0.00					183.00
Southsea Common		1.00	4.00	13.67		2.25	2.50	4.67
Southwick Road. View Point		1.00						1.00
Stockheath Common		6.00	7.00		12.00	12.00	7.33	8.50
Victoria Spur Road (Parking Bays)							21.50	21.50
View Point Portsdown Hill					62.00			62.00
Watersedge Park Portsolent		1.00						1.00
Western Parade					0.00			0.00
Zetland Park			4.00					4.00
Grand Total	1.14	29.45	3.74	7.43	11.44	4.00	5.79	9.96

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Appendix 3 - Site protection measure

Work Detail	Brief Detail	Estimated completion by
KGV barrier	<ul style="list-style-type: none"> • replacement of barrier accessing from Northarbour Road 	Completed 2022
Southsea Common	<ul style="list-style-type: none"> • new boulders to Pier Road, Southsea Terrace, Western Parade, Duisburg Way, Clarence Parade, Avenue de Caen and Skatepark Field • new bollard arrangements to Skatepark Field and Avenue de Caen • boulders for section Serpentine to Memorial • targeted hardening to known vulnerable points • new bollard installed SE corner access point 	2020-21 May-23
Pembroke Gardens	<ul style="list-style-type: none"> • new boulders and tree planting • additional / replacement boulders • boulder replacement where necessary • bollard replacement 	2019-20 2020-21 May-23
Baffins Pond	<ul style="list-style-type: none"> • new bollard and bunding at Hayling Avenue entry point • lower car park barrier to be replaced 	Jun-23 Sept-23
Mountbatten Centre / Car park	<ul style="list-style-type: none"> • potential new barrier • bund by emergency access point • revised bollard arrangement to emergency access point 	MBC team looking into the operational impact of this July-23 Aug-23

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Langstone Sports	<ul style="list-style-type: none"> • replacement of timber posts with new barrier (n/e corner) • replacement of rail with new barrier (s/w corner) • install robust barrier to field entrance opposite Sailing Centre 	<p>2022</p> <p>Aug-23</p> <p>TBC - on order - est. Sep-23</p>
Milton Common	<ul style="list-style-type: none"> • replacement of 220 lin m of timber posts (or bunding) 	TBC - est. Oct/Nov 23
Anchorage Park	<ul style="list-style-type: none"> • install dragon's teeth or bunding (locations tbc ward councillors) 	TBC - est. Oct/Nov 23
Lower Drayton Lane	<ul style="list-style-type: none"> • replacement timber posts 	2022
John Wesley Gardens	<ul style="list-style-type: none"> • new bunding to exposed perimeter locations 	2019
Zetland Field	<ul style="list-style-type: none"> • new vehicle barrier and bollard arrangement 	2020
Hilsea Lido	<ul style="list-style-type: none"> • bollard replacement 	2021
Lakeside	<ul style="list-style-type: none"> • Barrier to be installed 	2023
D-Day	<ul style="list-style-type: none"> • Install overhead barrier 	2022

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Appendix 4 - Cost of clear up following encampments.

Year	Location	Cost
2018-19	Pembroke 1	£95.54
2018-19	Pembroke 2	£42.02
2018-19	Southsea Common	£135.26
2018-19	Canoe Lake	£202.68
2018-19	Watersedge	£233.73
2018-19	Port Solent	£47.90
2019-20	Southsea Common (April)	£234.72
2019-20	Southsea Common (July)	£157.97
2019-20	Zetland (August)	£192.16
2019-20	Milton Common	£956.68
2020-21	Rugby Camp May	£133.93
2020-21	Southsea Common - May	£113.56
2020-21	Southsea Common - June	£176.00
2020-21	Southsea Common - July	£179.91
2020-21	Port Solent - August	£1,322.22
2020-21	Paulsgrove - August	£163.58
2021-22	Pembroke - 21 April	£261.00
2021-22	Port Solent - May 21	£1,003.83
2021-22	Pembroke - May 21	£250.80
2021-22	Milton Common - July/Aug	£1,933.00
2022-23	Southsea Common - May	£307.47
2022-23	Alexandra Park - June	£112.45
2022-23	Southsea Common - June	£197.81
2022-23	Milton Common - June/July	£1,378.27
2022-23	KGV June-July	£1,013.60
2022-23	KGV - March 2023	£86.71
2023-24	Langstone - June	£159.75
2023-24	KGV - June	£118.88
2023-24	Ramsdale Ave	£160.19
2023-24	Southsea Common - July	£110.97



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Appendix 5 - Unauthorised Encampments - Briefing Note

Unauthorised Encampments - Briefing Note

There are a number of measures that can be taken to address unauthorised encampments within the city.

As far as is practicable, preventative work is undertaken to target-harden vulnerable sites in Portsmouth that are considered to be potential locations for unauthorised encampments. These measures include the installation of posts, bunding and other physical barriers in an attempt to prevent unauthorised access to the sites.

When an unauthorised incursion occurs, the City Council's Community Wardens will visit the site to engage with the travellers and assess the situation. If the encampment is on private land the Community Wardens will try to identify the landowner, as it will be their responsibility to remove the encampment from their land. We can provide landowners with advice as to how to go about this.

If the land is identified as being the responsibility of the Local Authority, the Community Wardens will establish from the persons within the encampment how long they intend to stay on that site. They will then carry out their statutory duty of completing a Welfare Assessment and Site Report. Following the Assessment, a section 77 notice (* see attached note) will usually be issued to those on site, informing them that Portsmouth City Council (PCC) are the landowners and that they should leave the land forthwith.

In addition to this, the Community Wardens will share information with internal departments such as Traffic, Transport and Parks as well as with the Police to ensure that a joint approach is taken to monitor and manage the unauthorised encampment.

Hampshire Constabulary is able to issue a section 61 notice (* see attached note) provided certain criteria are met, such as:

- There being more than 6 vehicles in the encampment
- The encampment having a negative impact on the local community
- Reports of crimes or anti-social behaviour attributed to those on site.

The issuing of a section 61 notice has to be considered as proportionate in relation to human rights considerations. This order enables the police to move the encampment from the land immediately. This measure is not often used in Portsmouth but could be imposed at any time during the incursion.

If the Police do not consider use of section 61 powers to be appropriate it is the responsibility of the landowner to take action to evict the encampment from its land. Whilst private landowners can apply for a Court order without the need for a welfare assessment, the Local Authority has to carry one out as described above if the encampment is on City Council land. This assessment will be carried out as soon as possible after the arrival of an encampment.

If the members of the encampment refuse to adhere to a section 77 notice issued by the Community Wardens, we can ask our Legal team to apply to the Court for a section 78 order (* see attached note) to allow PCC to remove the unauthorised encampment from the site. Such a

