

TEIGNBRIDGE DISTRICT COUNCIL
OVERVIEW & SCRUTINY COMMITTEE

3 MARCH 2020

Report Title	CONSULTATION PAPER RESPONSE: STRENGTHENING POLICE POWERS TO TACKLE UNAUTHORISED ENCAMPMENT
Purpose of Report	For the Committee to confirm or otherwise the proposed response to the above Home Officer consultation paper.
Recommendation(s)	The Committee RESOLVES that the Council submits the response in Appendix A to the Home Office
Financial Implications	None as at time of report production, but any subsequently identified will be reported to Committee.
Legal Implications	Please see the consultation response Solicitor to the Council Email: karen.trickey@teignbridge.gov.uk
Risk Assessment	N/A
Environmental Implications	None as at time of report production, but any subsequently identified will be reported to Committee.
Report Author	Legal Services legal@teignbridge.gov.uk
Portfolio Holder	Cllr Hook, The Leader
Appendices / Background Papers	Appendix A – Proposed Consultation Response

1. Background

1.1. The Council has been requested to response to the Home Office Consultation Paper regarding proposed changes to police power to tackle unauthorised encampments. The Committee may appreciate that such encampments do present some issues for the Council particularly during the summer months.

2. Detail

2.1. The Consultation Paper is available at:

<https://www.gov.uk/government/consultations/strengthening-police-powers-to-tackle-unauthorised-encampments> for Members' information. All Members were requested in the Members' Newsletter – Issue 46, 19 December 2019 to provide the Legal Team with any comments they had on the paper by 13 January 2020. The deadline for the response to be sent to the Home Office is 5 March 2020.

As such the Committee will need to approve or otherwise set out any changes it wishes to make during its meeting.

- 2.2. Officers have taken into account the responses received from the “Teignbridge and Traveller Forum” meeting; the member and officers who responded to the council wide consultation; and the Council’s previous experience in dealing with encampments of this nature. The proposed response is set out in **Appendix A**. It will be noted that the response is set out in the form of questions and the Council’s answers to them.
- 2.3. It is not considered to be apparent from the consultation or the associated questions that those responsible for the same have significant knowledge or understanding of the fundamental issues relating to the Gypsy and Traveller Community. The questions do not distinguish between private and public land nor the specific issues faced by the various groups that collectively form the Gypsy and Traveller Community. The consultation documents imply that consideration is being given to potentially criminalising the whole travelling community regardless of circumstances at any given time and to shifting the burden of dealing with that community and the consequences of any trespass onto the land owner regardless of their circumstances.
- 2.4. It is considered that the issues relating to Gypsies and Travellers are of national significance and should be dealt with and legislated for by the Government or a department thereof and not left to local authorities to deal with. This approach would/should more readily facilitate the addressing of the associated myriad of complex social and welfare issues and those relating to law and order, as well as paving the way for a properly funded and integrated nationwide regime (rather than a collection of disparate standalone district policies that currently exist and which rarely satisfy or serve the needs or demands of local communities generally or of the Gypsy and Traveller community).
- 2.5. The Committee is recommended to approve the draft response.