

POLICY & RESOURCES COMMITTEE – 2 JULY 2019

RECENT UNAUTHORISED ENCAMPMENTS ON HETC LAND

Recommendation

1. **The Committee is RECOMMENDED to: -**
 - (a) **Note the report and associated costs with the recent incident**
 - (b) **Agree the measures to be taken forward (if any) at each site**
 - (c) **Agree if to pursue the registration of land**

Executive Summary

2. Hedge End has recently had two unauthorised encampments on Town Council owned land. The report outlines the legal procedure that a local authority must take and the constraints of this. The Town Council has its own management procedure in place which has been reviewed and updated with lessons learnt from the incidents. A review of the security at the sites and potential improvements are included.

Background and Introduction

3. In the past year there have been two incidents of unauthorised encampments in Hedge End:
 - (a) Woodhouse Lane from 3 May 2019 to 12 May 2019 (9 days)
 - (b) Greta Park from 26 May 2019 to 2 June 2019 (7 days)
4. Both gained access illegally although in the second case in the absence of witnesses the police were unable to take further action and dealt with it as a civil case leaving the Town Council to manage.
5. Both of these incidents have led to this review of:
 - (a) Management Practices
 - (b) Lessons learnt from the incidents
 - (c) Cost analysis of the Greta Park incident
 - (d) Broader analysis of security at HETC other sites
 - (e) Consideration of future security improvements across all sites
6. Unauthorised Encampments are particularly common on council owned land during weekends and bank holidays as local authority powers are very specific

and laid out in **section 77 of the Criminal Justice and Public Order Act 1994** where it requires our enforcement to be authorised by a Magistrate.

7. The Town Council is constrained by these powers unlike private sector landowners who can issue notice and instruct bailiffs.
8. With both unauthorised encampments happening on a weekend this meant that although we could make immediate contact with the Town Councils solicitors no action could be taken until the next working day.
9. The process is specific, and the solicitors must file the paperwork and then wait for a date for the court hearing, in the case of Greta Park this was set for 11am Monday 3 June 2019.
10. The solicitors served notice on the encampment and they are made aware of the court hearing. Often, they are found to leave the site just prior to the hearing.

Management Practices

11. Following the incident on Woodhouse Lane, the procedure for dealing with unauthorised encampments was updated. Further amendments were made to managing the site, managing the communications including a draft statement and dealing with the press. This was all updated in line with the HETC code of conduct.
12. During the more recent incidents there was confusion with different people requesting statements to be issued outside of the agreed protocol. This put the officers in a difficult situation in the absence of the Town Clerk and meant that they were dealing with an excessive amount of e-mails whilst trying to manage the situation.
13. Councillors posted on Social Media during the Greta Park encampment, at least one of which was subject to a public complaint taking up officer time. Section 2 of the Councillor Code of Conduct is relevant. Comments can be made by Councillors but should be clear to not represent the view of the Council.
14. Statements were deliberately not issued on social media to prevent any inflammatory and inciting comments and members of the public were directed to our preferred official channel of the website.
15. The court hearing date was also deliberately not published as the solicitors need to receive the possession order from the court and this can sometimes not be the same day.

16. Subject to having the possession order then bailiffs can be instructed, again this is not necessarily the same day.
17. Whilst HETC appreciate that it is frustrating and the process seems long winded, but having taken legal advice a decision taken to not publish this information and raise expectations that the site would be cleared the same day as this would have led to further residents' complaints when the site was not cleared. Despite update e-mails clearly marked Confidential to Councillors, it became clear members of the public were somehow advised of the removal timescale. Any public interest was clearly directed to the website which was updated.
18. Once the site was cleared of people and vehicles the HETC team were on site to begin the clear-up. Advice had been taken from the Environmental Team at Eastleigh in terms of making the site environmentally safe and Eastleigh Direct Services provided assistance with the waste disposal.

Lessons learnt from the incidents

19. Following the initial unauthorised encampment, we used the lessons learnt to revise the management process, including the addition of some of the actions above.
20. The police whilst managing to notify HETC did have to try several numbers as they hadn't got the right numbers on file to reach the correct people. This has since been changed and the cascade is Town Clerk, Town Council Chairman, outgoing Town Council Chairman.
21. In the absence of the Town Clerk any incident would be managed by the Operations Manager in agreement with the Chair of the Council.
22. The police were at times confused with the HETC reporting structures and different people calling for updates, rightly assuming that this information was always cascaded across the council. This transpires was not always the case where it had not been received by the official cascade above.
23. In the case of Greta Park there was damage caused by the unauthorised encampment which costs are being pursued from the individual. In the past there has not been criminal damage and there has been no cause to raise this with the Town Councils insurers, however given the recent incident we may wish to pursue this with insurance.

24. Excesses: The following Excesses apply to each and every loss arising in respect of each and every separate premises from:

Malicious damage	£1,000
Storm or flood	£1,000
Escape of water	£1,000
Falling trees or branches	£1,000
Subsidence	£1,000
Theft	£1,000
Accidental damage	£1,000
Operative Endorsements : 1,2,3,5,6,7,8,9 see pages 27 - 28	

25. The excess in respect of claims resulting from Malicious Damage is hereby increased to £500 each & every loss rising to £1,000 each & every loss at the Woodhouse Lane Bowling Club site.

Legal Implications

26. In filing the documentation it became apparent that significant pockets of our land are not registered with Land Registry as is the case with Greta Park and whilst this is not an absolute requirement good practice would suggest we need to register land.
27. Land Registry gives the benefit of easily being able to prove the land ownership, whereas we had to send over the title deeds and conveyances to the solicitors. It also enables easy access for HETC, Solicitors and other parties to get an accurate map outline of the site to demonstrate where the encampment is.
28. Land Registry also makes it more difficult for other landowners to establish ownership through adverse possession. For instance any long term incursions on to unregistered land (e.g. by residents moving fencing out in to the open spaces) might result in your losing ownership after 12 years whereas if the land was registered there are protections and it is very difficult for land ownership to be lost in this way.

29. Estimated costs have been sought for first registration of Greta Park to give an indication of the fees involved, however the Land Registry Fee is based on the value of the land and with no valuation on Greta this would also incur additional costs.

Land Registry Fees	
Value or amount	Voluntary first registration (reduced fee)
0 to £80,000	£30
£80,001 to £100,000	£60
£100,001 to £200,000	£140
£200,001 to £500,000	£200
£500,001 to £1,000,000	£400
£1,000,001 and over	£680
Solicitors Fees	
Depending on complexity	£500 to £950

Equalities Implications

30. The Equality Act 2010 protects people from discrimination in the workplace and in wider society. Romany Gypsies, Scottish Travellers and Irish Travellers have been declared by the courts to be protected as “races” under the Act.
31. Given those in the unauthorised encampment are likely to have protected characteristics the Town Council are duty bound to not discriminate against them in any way.
32. For the Town Council this can mean providing them with fresh water and providing facilities for rubbish disposal.

Financial Assessment

33. The final quotes and invoices for the solicitors and clean up works have now been received and these are itemised below. Staff time has been calculated on hourly rates plus on-costs although it should be recognised that only out of hours was or will be paid as majority of activity took place during the working day.

Incident	Activity	Cost
Woodhouse Lane	Serving Notice	FOC
	Ground Staff time	£140.00
	Officer time	£44.00
	TOTAL	£184.00
Greta Park	Officer time	£66.00
	Issuing Trespass proceedings, serving notice	£725.00 +VAT

	Court Issue Fee & Process Servers Fee (paid to court)	£595.00 +VAT
	Ground Staff Clear up time	£336.00
	Eastleigh Waste Disposal	£150.00 +VAT
	Repair Damage to Basketball court (claiming through damages)	£668.96 +VAT
	Staff time to repair and make good posts out of hours	£33.00
	TOTAL	£2,573.96

34. It is impossible to cost the impact on the people surrounding the sites; however this should be noted as an additional burden on the community.

Security at Hedge End Town Council Sites

35. Given the recent incidents at two of the town council owned sites this is an opportunity to review security across all the council owned sites and consider any improvements that need to be made.
36. The town council sites are identified below:

Site	Current Arrangements
2000 Centre Car Park	Open access
Allotments	Gated and padlocked access at both entrances/exits
Beattie Rise	Unsecured pathway at both ends
Dowd's Farm	Posts and combined low and high barrier with padlocks on main car park. Knee high posts on Wellstead Road Steel Bollards on footpath entrances
Drummond Community Centre	Trees and mound to either side of an open gateway
Greta Park	Posts and low barrier
HEYCA	Open access
Norman Rodaway	Posts and combined low and high barrier with combination code
St Johns Recreation Ground	Hedging and low gates with padlocks
Turnpike	Hedged, Combined low and high barrier with padlocks. Posts but not particularly secure at Thistle Road footpath

Woodhouse Lane	Posts and combined low and high barrier with padlocks
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Future Security Improvements and Preventative Measures

37. The Town Clerk has taken advice from the police about potential improvements to site security and whilst for ASB they would normally recommend installing CCTV, this is not considered cost effective for dealing with unauthorised encampments. CCTV has to be in the exact spot where criminal damage has taken place and has to be able to record the vehicle registration numbers.
38. For this reason, the costs of installing CCTV across the sites has not been explored.
39. Previously the preferred choice has been for sunken posts combined low and high barriers with padlocks. These are then enclosed by posts either side in the remaining gap.



40. The lowest price including installation for this is £3,660 plus VAT.
41. Posts can range from £70 to £800; an average plastic recycled post would be £70+VAT. A more robust metal version would be £100+VAT and more decorative Manchester bollards like the ones installed at the opposite side of Greta are also £100.



42. In addition to décor, boulders are often used as a natural, seamless extension to the surrounding architecture for security measures. Known as Passive Barrier Boulders or Security Boulders, they provide an economical and sustainable solution for building and infrastructure protection. A natural and easy solution to marking entrance ways and restricting traffic movement. The Large Traffic Barrier Rocks are perfect for entranceways, borders and verges. From £90 +VAT per rock | Priced on size and weight, Various sizes – from 1/2 tonne up to 2 tonne.



43. In addition to this some of our most secure sites are those lined with mature trees and shrubs and this could be a longer term more cost effective solution although this won't secure the sites in the short term and would need to be used in combination with some of the above options.

Financial Implications

44. There are several options for each of the sites and these will need to be considered on an individual basis based on risk and the overall aesthetics of the area.

Site	Current Arrangements	Option 1 Low Barriers	Option 2 Low and High Barriers	Option 3 Posts	Option 4 Boulders	Bespoke Solution	Totals
2000 Centre Car Park	Open access	£2,500	£3,660	N/A	N/A	Would need significant changes in the car park to accommodate the barriers	Unknown
Allotments	Gated and padlocked access at both entrances/exits	N/A	N/A	N/A	N/A		
Beattie Rise	Unsecured pathway at Beattie Rise end	N/A	N/A	X 1 £100.00 would need to be removable	N/A	Galvanised staggered cycle gates - HCC	£100 or HCC request as on public access
Dowd's Park	Posts and combined low and high barrier with padlocks on main car park. Knee high posts on Wellstead Road	N/A	N/A	N/A	1 tonne to 1 1/2 tonne £135 each Space slightly		

Site	Current Arrangements	Option 1 Low Barriers	Option 2 Low and High Barriers	Option 3 Posts	Option 4 Boulders	Bespoke Solution	Totals
	Steel Bollards on footpath entrances				narrower than car. Charge per hr for craning, up to £50 per rock		
Drummond Community Centre	Trees and mound to either side of an open gateway	N/A	£3,660	X 6 £600.00	X 4 £740		£4,260 or £4,400
Greta Park	Posts and low barrier Sowden Close has bollards	N/A	£,3,660	N/A	X 4 £740		£740 or £4,400
HEYCA	Open access	£5,000	£7,320	N/A	N/A	Due to the turning circle in this area it may not be possible to use any of the previous options.	Unknown
Norman Rodaway	Posts and combined low and high barrier with combination code	N/A	N/A	N/A			
St Johns Recreation Ground	Hedging and low gates with padlocks.	N/A	N/A	N/A	N/A		

Site	Current Arrangements	Option 1 Low Barriers	Option 2 Low and High Barriers	Option 3 Posts	Option 4 Boulders	Bespoke Solution	Totals
	Gated Access required						
Turnpike	Hedged, Combined low and high barrier with padlocks. Posts but not particularly secure at Thistle Road footpath	N/A	N/A	X 7 £700.00 X 1 £100.00	X 8 £,480		£800 or £1,480
Woodhouse Lane	Posts and combined low and high barrier with padlocks although this have design flaws	N/A	£,3,660	N/A	N/A		Up to £3,660

**Sarah Jelley
Town Clerk**

June, 2019