

**CABINET
17 JULY 2014
QUESTION FROM COUNCILLORS**

1. **Councillor Joel Charles to the Leader of the Council**

What proactive steps will Harlow Council take to tackle illegal encampments in the future?

Reply from Councillor Jon Clempner, Leader of the Council

Harlow Council has and will continue to proactively respond to illegal encampments. This includes the Council continuing to protect vulnerable parcels of land with temporary bollards, barriers and top soil, should a parcel of land become particularly vulnerable. The Council will continue to look for more permanent solutions where it is possible to do so; however it is impossible to protect all open public space, which makes up one third of Harlow.

The Council works closely with the Police who have powers under section 61 of the Criminal Justice and Public Order Act 1994 to serve a notice on an illegal encampment if there are grounds to do so. Once served the occupants of the illegal encampment are given a short period of time to leave, if they fail to do so it is a criminal offence and their vehicles can be impounded. The travellers cannot return to the land for three months after the notice is served.

Harlow Council will continue to proactively monitor the behaviour on illegal encampments in terms of anti-social behaviour and criminality. It will continue to proactively request the Police to use their powers under section 61 of the Criminal Justice and Public Order Act 1994 taking into consideration lawfulness, necessity and proportionality, recognising that it is solely the decision of the Police whether to use such powers or not based upon the evidence.

Harlow Council continues to quickly take court proceedings to reclaim possession of its land and it has been agreed with the Court that these applications will be treated as urgent and issued as soon as is practicable. The Council will use either its powers under part 55 of the Civil Procedure Rules or section 77/8 of the Criminal Justice and Public Order Act 1994 as appropriate.

Harlow Council will proactively investigate incidents of fly-tipping and littering should an incident be witnessed by an Enforcement Officer or a member of

the public and pursue an investigation to obtain evidence beyond reasonable doubt taking into consideration lawfulness, necessity and proportionality.

Harlow Council will continue to work proactively with Essex Police and Essex County Council seeking a long term solution both locally and County-wide.

In addition, Harlow Council has written to the Secretary of State for Communities and Local Government (DCLG), the Association of Chief Police Officers (ACPO) and the Home Secretary, both to review the ACPO guidelines and appropriate legislation to allow Councils to move illegal encampments on within a broader area after Police have exercised their Section 61 powers or a Court Order has been issued under Section 77/8 of the Criminal Justice and Public Order Act 1994.