

# Useful information on unauthorised encampments



**An unauthorised encampment is a group of people with vehicles who are trespassing and staying on land without the landowner's consent.**

## Council action

If an encampment is on public land (land owned by MK Council, MKDP or The Parks Trust) we'll visit the site quickly to assess the situation and gather any evidence needed.

We consider the size of the site, its location, whether residents or businesses may be affected, and how long the group intends to stay. Many unauthorised encampments only stay for short periods and cause minimal disruption. When this is the case, there's no reason to take court action.

We also consider the health and welfare of those on the site including educational needs of children.

An eviction notice requires trespassers to leave a specific site. With our partners, we serve hundreds of eviction notices each year and in the majority of cases the group moves on quickly. If the notice is ignored we can apply for a court date to take further legal action. If the court grants the council possession, we'll use bailiffs to enforce the order.

If the land is privately owned, the landowner makes their own arrangements.

## Can the council move trespassers on immediately?

Trespass is a civil rather than criminal offence, which means land owners and local authorities must repossess their property using the courts, which can be a lengthy process.

For unauthorised encampments, the council must first:

- ✓ Show the group is on land without consent.
- ✓ Make enquiries about health, welfare and children's education.
- ✓ Ensure that the Human Rights Act 1998 has been complied with.

Romany Gypsies and Irish Travellers are legally protected from discrimination and must be able to access mainstream council services.

Report an  
unauthorised  
encampment to MK  
Council at  
[www.milton-  
keynes.gov.uk/pay-  
report-apply/report-it](http://www.milton-keynes.gov.uk/pay-report-apply/report-it)

# Useful information on unauthorised encampments

Report a crime associated with an encampment to Thames Valley Police at [www.thamesvalley.police.uk](http://www.thamesvalley.police.uk) or on 101

## Police responsibilities

We work closely with Thames Valley Police to agree the best way forward on unauthorised encampments.

The police may use powers under Section 61 of the Criminal Justice and Public Order Act 1994 to remove trespassers only if there is a significant impact to the local community or other users of the land, impact upon the land, a significant increase in local crime directly attributable to the encampment, or a risk to life.

The police are also bound by the Human Rights Act. It is for the police alone to decide whether Section 61 should be used.

## Dealing with anti-social behaviour

While many unauthorised encampments are short and cause minimal disruption, others can have a high impact on the local community.

Milton Keynes Council and Thames Valley Police will take action against individuals responsible for anti-social behaviour, working together to consider what kind of action is best for each situation.

## Preventing unauthorised encampments

We provide a number of pitches for use by travellers, who pay rent to the council. These pitches are kept in good condition.

In 2018 an extra £250,000 was made available by the council to help protect vulnerable sites with physical barriers such as large concrete blocks or bunds (mounds of earth).

Sometimes local people ask us why we haven't padlocked gates leading to undeveloped land but the reality is we visit certain areas daily to replace padlocks that are repeatedly removed. A lot of work goes on behind the scenes.

We also use legal protection where possible. Injunctions ban particular individuals from a site, and can lead to a prison sentence if breached. Only a court can grant an injunction based on evidence gathered over time.