



## DARTMOUTH TOWN COUNCIL AGENDA ITEM AND REPORTS

REPORT TITLE:	EG: Trespass and unwanted behaviour on council land
AGENDA ITEM:	EG: To Implement a Procedure for Dealing with Issues of Trespass and Unwanted Behaviour on Council Land
AGENDA ITEM NO:	Item 19
MEETING:	Council Assets
REPORT BY:	Cllr Adam Edsall
DATE:	Tuesday 5 <sup>th</sup> May 2021

### 1. PURPOSE & BACKGROUND OF THE REPORT

#### **Background**

This issue has arisen as a result of a man camping at Warfleet Creek in front of the Lime Kilns for the past two years during the summer. He has apparently been working locally for a period of approximately 2 weeks each time and his presence has spoiled the Creek for visitors and local residents alike. Apart from selfishly blocking access to one of the kilns he has also used the area as a public toilet and left litter behind on departure. As a result, last year Richard Roberts arranged for a “No Camping” sign to be installed that makes it clear that Camping will not be permitted on the Creek by DTC. However, the Council have no clear procedure for handling a recurrence of this situation if it arises and if anyone decides to ignore the signage. Without a procedure, a stand-off could occur, and the trespasser may well be ensconced on the Creek for some considerable time before moving on. In addition, by agreeing a procedure, DTC can then apply this, to any and all incidents of Trespass or Anti-Social Behaviour across all of its estate in future.

#### **The Key Legal Facts**

Although Council owned property can be considered as public land, the general public have no *automatic right* to access it or remain on it. In practise, the Council allows people to enjoy its parks and gardens freely but if it is deemed that any one individual or group are behaving in an anti-social manner or preventing other members of the public from enjoying activities on this land, the Council has the right to ask that person to leave and to deny them future access. Once the Council has served notice that the individual is no longer allowed on the land, then they are deemed to be “Trespassing”. Then if they refuse to leave after a suitable period this can then be deemed to be “Aggravated Trespass” which upgrades the offence from a civil matter to a criminal one, meaning the individual can be arrested and fined up to £5000 for non-compliance. As such, DTC has within its

powers the opportunity to serve any camper with a notice, and if they fail to leave within 48 hrs, request police assistance and remove the camping equipment to the Guildhall where it would be held for the individual to collect at a later date.

## **2. FINANCIAL COSTS**

## **3. RECOMMENDATIONS**

### **Suggested Procedure**

1. Member of the Public or member of DTC Staff inform the Corporate Property Manager that an incident (Camping or other Anti-Social Activity) is taking place.
2. A notice to quit the area in question is drawn up.
3. Within 24 hrs the notice is served to the individual or if he/she are not at the site it is affixed to the individual's belongings so that it will be clearly visible on their return. For the purposes of this the notice should be official, on DTC headed paper, laminated for all weathers and hole-punched so that it can be securely tied onto the belongings.
4. The Notice could require them to leave within 48 hrs of the notice being left at the site.
5. If the individual has refused to leave after the 48-hr notice period Dartmouth Police should be asked if they can accompany a member of DTC staff to the site to encourage the individual/group to leave and/or remove their equipment to the Council Offices, pending collection.
6. If the individuals' belongings are removed whilst they are absent, a sign must be erected which is clearly visible explaining to the individual what has happened and where/how they can retrieve their belongings.

### **Possible Wording for a Notice to Quit**

Dartmouth Town Council has made it clear through the use of prominent signage that Camping is not permitted here on Warfleet Creek at any time. DTC therefore require you to vacate this site within 48 hours of this notice being served. If you refuse to leave, then under the Criminal Justice and Public Order Act 1994 you will be deemed to be trespassing on this land. If you then continue to remain and prevent other visitors peaceably enjoying this area, you may be considered to be committing "Aggravated Trespass" under the terms of the same act. This is a Criminal Offence and can be punishable by arrest and a fine of up to £5000. If you have therefore not vacated this area within 48 hours DTC officers will return with a police escort and a legal right to remove all your belongings and return them to the council offices for collection by you at a later agreed date.

### **Possible Wording of a Notice explaining the Removal of Personal Property**

Following the Notice to Quit that was served on you 48 hours ago, your failure to vacate this area and remove all your belongings has resulted in those belongings being

confiscated by Dartmouth Town Council and removed to the Council Offices at the address below. They can be collected by you from those offices at a time to be agreed between the DTC Corporate Manager and yourself. To arrange this appointment please contact the Council on 01803 832281. Please note that the offices are only open between 10am and 3pm Monday to Friday.

If your belongings are not collected within 14 days, they will be deemed to have been abandoned and will be disposed of accordingly or donated to a local Charitable Organisation.

#### **4. ANY OTHER INFORMATION**

Finally, I have attached several items and pieces of information which will clarify the plans and their legality as outlined above.