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RURAL FORUM

MONDAY, 6 NOVEMBER 2017

PRESENT: Councillors Christine Bateson (Chairman), David Evans (Vice-Chairman), David Coppinger, Richard Kellaway, Colin Rayner and Malcolm Beer

Also in attendance: Louise Warbrick (Thames Valley Police), Tim Parry (Community Council for Berkshire), Paul Rinder (Rinder Ltd), Geoffrey Copas (Copas Farms), William Emmett (Hornbuckle Farm), Andrew Randall (Randall Farms), Liz Hadden (BCA), Nick Philp, Phil Mortimer (Fairacres Farm), Annie Keene (Applehouse Farm), Alan Keene (Applehouse Farm and Bisham Parish Council Chairman), James Copas (Copas Farms), David Jacobs (Copas Farms) and Barbara Story.

Officers: Shilpa Manek and Harjit Hunjan, Shilpa Manek, Lisa Pigeon and Ashley Smith

CHAIRMAN'S INTRODUCTION

The Chairman welcomed everyone to the meeting. All attendees introduced themselves.

APOLOGIES OF ABSENCE

Apologies for absence were received from John Emmett, Richard Simmonds and David Scott.

DECLARATION OF INTEREST

No Declarations of Interest received.

MINUTES

The minutes of the last meeting were **Unanimously Agreed**.

ORDER OF ITEMS

RESOLVED UNANIMOUSLY that the order of items on the Agenda be changed.

RURAL FARM WALK FEEDBACK

The Chairman thanked Mr Rinder and his family for hosting the Rural Farm Walk.

The Chairman highlighted that the next Rural Farm Walk needed to be arranged soon and it was suggested that the press be invited to future Rural Farm Walks.

The Clerk to be informed of where the next Rural Farm Walk would be held.

UPDATE FROM THE FARMING COMMUNITY

A presentation was given to the Forum by Mr Nick Philp. Presentation attached will minutes.

Points discussed after the presentation included:

- Due to the amount of rain this year, there had been a poor quality harvest. There had been late grass and milk and butter were in shortage.
- Generally prices had remained stable as a result of the weak pound.

- A question was asked about irrigation and whether it was used. Irrigation was used for fresh produce only, it came at a cost, a licence would be required and 95% of crops are un irrigated.

RURAL CRIME

Items 7 and 8 were merged to present unauthorised encampments.

UNAUTHORISED ENCAMPMENTS

Lisa Pigeon and Louise Warbrick, both gave a joint presentation on unauthorised encampments. Presentation attached.

Points that were discussed included:

- It was difficult for the police to act if the landowner had not taken any actions first.
- What the code of conduct was.
- For fly tipping, it was the local authority who could prosecute.
- The Environment Authority would only get involved if it was significant organised crime.
- Landowners had to prove who the fly tipping was done by.
- It was difficult to act against someone with no address. It was best to keep records and registrations and more people should call the police for them to attend the site.
- If vehicle registrations were recorded and could be tracked going from one site to another, then the police could act.
- During four recent cases of unauthorised encampments, two had been dealt with by the police and were not successful and the other two by bailiffs, this worked better and the land had been cleared within 48 hours.
- Joint working had to be further improved.
- The possibility of alerting the farmers via a NFU representative when they were moving so everyone could be alerted. This could be considered as stalking and that was an offense. A group of farmers were already acting as a watch group but when police and local authority informed, there was no back up or support.

GREEN BELT FOR FARMING

Councillor Coppinger, Lead Member for Planning informed the Forum that the Panel wanted to hear the views of the farming committee. Councillor Coppinger introduced Ashley Smith, Deputy Head of Planning to answer any specific questions.

Points raised by the Forum included:

- The borough would like to preserve the green belt land, farmers would like to preserve the most as they use for farming.
- 80% of the borough is countryside.
- Farmers were concerned that not many Members attended the Rural Forum. Wycombe District Council have more commitment to the farmers and many more Members attend the meetings.
- Green belt land was best used for farming.
- Mr Copas asked the Deputy Head of Planning why the three planning applications they had submitted had been refused and at appeal, all costs had been awarded. The applications were for affordable housing. Applicants would like practical support from the planning team. Ashley Smith informed Mr Copas that he would be happy to look into these and speak out of the Forum to Mr Copas.
- Councillor Colin Rayner asked how did it take to determine a planning application. Ashley Smith informed the Forum that the timescales varied

depending on the complexity of the application, quality of the submission and whether any additional information/evidence was required.

- Councillor Colin Rayner reminded Rural Forum Members that they can approach their Ward Councillor, Parish Council and could also consult planning for advice. Ashley Smith confirmed that pre application advice was always available. The timescale for a response was five to six weeks.
- Mr Copas informed the Forum that the pre application advice was very useful, however a time line to responses would be very helpful. Copas Farms had asked for pre application advise in December 2016 and were still awaiting a response. Members were not impressed with this information. Councillor David Evans informed the Forum that if no response was received, Ward Councillors should be contacted.
- It was always difficult to speak to the planning officers.
- Better communication was required.
- Nick Philp asked what happened to the S106 funds and suggested that the council be more transparent. Ashley Smith informed the Forum that a record is maintained of how it is gathered and spent.
- CIL was discussed and if this was a consideration when planning applications were permitted. It was explained that this was not a consideration and that all developments paid monies towards CIL that paid towards infrastructure and housing. CIL was important but it was not a determining factor.
- Councillor Beer discussed the north, south divide and that there was more pressure on the south for housing.
- The north of the borough had many large houses, more smaller properties were required for working people. Through the Local Borough Plan, there would be many more smaller homes, both social housing and affordable private housing.
- The council to consider that with the rapid expansion of residents, leisure facilities should be supported.
- Are there any ways to restrict smaller houses extending to become large houses in planning policy. Ashley Smith informed the Forum that it was very difficult to do this.
- The Local Borough Plan had to be submitted by the end of January 2018.

DATES OF FUTURE MEETINGS

Forum Members noted that the next meeting was on 6 March 2018 at 5.30pm in the Guildhall.

The meeting, which began at 3.00 pm, finished at 7.00 pm

CHAIRMAN.....

DATE.....

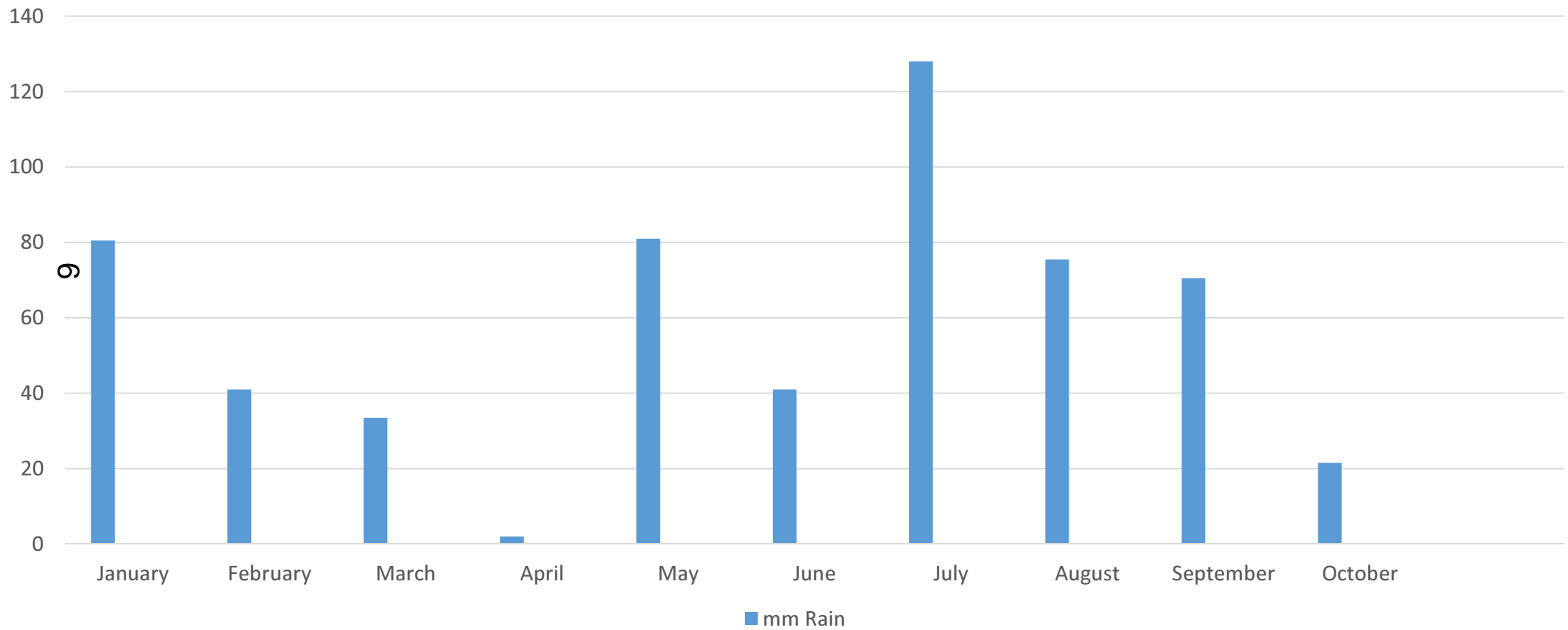
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Farming in the Royal Borough

Autumn 2017

Nick Philp BSc Hons. FACTS, BASIS

Rainfall Waltham St Lawrence 2017



Impact on Harvest

- Quality generally poor
- Spring planted crops fared the worst
- Small volume of grass early
- Massive quantity of late grass
- Milk in short supply

Politicians!

8



Some local influence!

6



Serious Headache!



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More of this...

15



To help prevent this...

16



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QUESTIONS?

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Unlawful Encampments



Insp John Batty
26/08/2017

What is an Unlawful Encampment?

Encampment: a place with temporary accommodation consisting of huts, tents or caravans

Occupation of land by persons without landowners permission



- Living nomadic lifestyle is lawful
- No legal right to trespass
- Trespass is a civil matter



Who is Responsible?

- Unlawful encampments initially the responsibility of landowner
- There are powers available to landowners to deal with trespassers through the Courts
- Interim Possession Orders
- Possession Orders



Local Authority Powers

The Local Authority has a variety of different powers:

- Injunctions/Possession orders
- Byelaws
- Licensing of caravans/tents
- Planning Powers
- Obstructions: Highways Act 1980
- Direction to leave S77 of CJPOA 1994



Police Powers

- Police have Powers under Sec 61/62 Criminal Justice and Public Order Act 1994
- Sec 62: only applies if there is a suitable alternative site to direct persons to in the local authority area
- In most instances this power will not apply due to a shortage of such pitches
- Sec 61: Certain criteria must be met and the use needs to be proportionate and justified



Sec 61 Direction to Leave

Senior Police Officer reasonably believes...

- 2 or more people are trespassing with purpose of residing
- Occupier has taken reasonable steps to ask them to leave and any of the following:

Trespassers caused damage to land/property

Trespassers used threatening behaviour towards occupier

That have between them 6 or more vehicles

Failure to comply with direction is an offence

Sec 61 Discretionary Power

Equality Act 2010/Public Sector Equality Duty

“Need to have due regard to the need to eliminate unlawful discrimination and promote equality of opportunity and good relations between persons of different racial groups.”

25

Power is there to deal with unlawful encampments not a particular racial/ethnic group

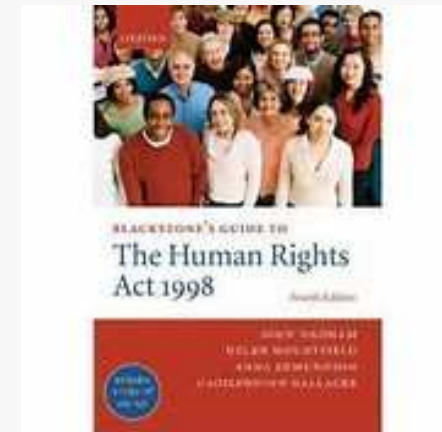
Police Action must be:

Lawful

Proportionate

Necessary

Least intrusive



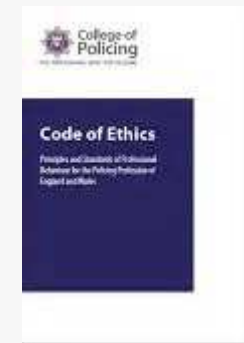
Balancing Concerns

Landowner/Community/those encamped.

- Some concerns can be unfounded and based on prejudice
- However, some encampments can lead to high levels of ASB and disruption to the community
- Any decision to use Police Powers to direct persons to leave must be made based on assessment of impact of that particular encampment
- What is the impact on other Policing activity?

Key Considerations for Police

- What action has the landowner taken?
- Has landowner requested assistance from Police?
- What is the impact on the community which includes the landowner?
- Is the site Primary land?
- Are issues limited to specific individuals(Proportional)?
- What Powers do the Local Authority have and what action are they taking?
- What is the impact on those who are encamped?



Lawful/Proportionate/Necessary/Least Intrusive.

Police Response

When encampment reported:

- Attend and assess impact of site
- Try and identify landowner
- Serve Code of Conduct on those present
- Record details of vehicles
- Liaise duty Sgt/Insp assess impact on community. e.g. Is it Primary land such as a school
- Liaise and support landowner/local authority e.g. accompany on visits where required
- Senior Officer decide if Police powers justified

Prevention/Being Prepared

- Agencies identify vulnerable sites
- Ensure landowners of vulnerable sites identified
- Landowners target harden vulnerable sites
- Ensure landowners are aware of legal powers
- Byelaws
- Injunctions
- Preparing paperwork such as applications for possession orders and injunctions in advance
- Ensure clear notification and decision making processes are in place

Examples

Questions?

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Police Powers	Landowner (LO)	Local Authority (LA)
<p>Sec 61 - 62 Criminal Justice and Public Order Act 1994</p> <ul style="list-style-type: none"> • Can only be used by Police • Any land except highway • Two or more persons trespassing • Does not require court • Enforced by Police • Return within 3 months is an offence • Landowner must have taken reasonable steps to ask persons to leave and either damage caused/threatening, abusive or insulting towards LO and agent/have six or more vehicles on the land • A Senior Officer will determine whether to use power based on availability of resources/impact on community and environment/whether has been ASB/crime or disorder associated with site. • Police determine time given to leave site which can be hours or days • Action must be Lawful/Proportionate Necessary and Least intrusive • Sec 62A requires alternative LA site to be available to direct persons to 	<p>Common Law Powers</p> <ul style="list-style-type: none"> • Can only be used by LO • Does not require court • Enforced by LO/ Private bailiffs • No sanction if persons return • Only reasonable force used • Person must be allowed to leave without force being used if request • Police should be contacted to prevent Breach of Peace • Police advice to delay if not safe should be followed <p>Part 55 Civil Procedure Rules</p> <ul style="list-style-type: none"> • Can only be used by LO • Require civil court • Enforced by county court bailiffs • No sanction if persons return 	<p>Sec 77 – 78 Criminal Justice and Public Order Act 1994</p> <ul style="list-style-type: none"> • Can be used by LA where requirement met • Courts only required if unauthorised campers do not leave on request • Enforced by LA Officers or private bailiffs • Return within three months is an offence. • Before using powers LA have an obligation to do a welfare assessment • Can only be used by LA • 24 hours must elapse between serving of an order and any action to evict • Considerable delay can occur if a legal challenge is mounted to a proposed eviction <p>The Local Authority can also consider Byelaws, look at target hardening of vulnerable sites and providing sites for persons to use for encampments.</p>

