

## **FREEDOM OF INFORMATION ACT 2000**

Your request for information has now been considered and the Council's response to your questions is shown below.

**You asked:**

**In relation to the current consultation exercise on 3 new authorised traveller encampments in Leicester:**

**1. Over the last three years, has the City Council failed in any attempt to move travellers on from an unauthorised encampment?**

No.

**2. How many times has it been necessary to resort to legal action to enforce the movement of travellers from unauthorised encampments?**

In Leicester City 39 times out of 74 encampments (23 actually going as far as the court hearing).

**3. Has any of these legal actions been defeated, i.e. travellers have been allowed to remain on an unauthorised site against the wishes of the council?**

No (although longer tolerations have been negotiated).

**4. In any legal actions, has the lack of authorised traveller accommodation provided by the City Council been a factor in determining the outcome?**

In the 3 years that the Multi Agency Travellers Unit have been dealing with Leicester City Council cases there have not been any successful public law challenges, however the risk remains and is becoming ever more difficult to defend.

The main benefit of having further authorised provision is that the process of eviction becomes more streamlined, the risk of Judicial Review Challenge is reduced and additional powers under s62 a-e of the Criminal Justice and Public Order Act 1994 (CJPOA 1994) can be used by the police to direct individuals to a suitable available pitch as soon as practicable without having to apply to the courts as is the case at the moment. Having to take action through the courts initially obviously increases the time and cost involved with moving Gypsies or Travellers on from illegal encampments.

S62 can be used on any land public or private including highway and only requires 2 or more persons and one vehicle to be residing on the land, this means that it could be used on virtually all unauthorised encampments at any time.

For the actual cases in the Magistrates Court using s77/78 of the Criminal Justice and Public Order Act 1994 the lack of authorised accommodation is not a statutory or substantive defence, in fact there are very few substantive defences (correct service of paperwork, mechanical breakdown, consent of the occupier, acute illness are a few).

However, most cases are defended by means of Judicial Review Challenge against the authority in the high court, which often include an application for a stay or injunction to prevent an immanent eviction.

In the case of Judicial Review Challenge the lack of authorised accommodation can be a contributory factor in determining the outcome as are all the relevant local authority policies and procedures.

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If you are dissatisfied with the handling of your request please write to:

**Information Governance Manager**  
**Information and Support**  
**Leicester City Council**  
**FREEPOST (LE985/33)**  
**New Walk Centre**  
**LEICESTER LE1 6ZG**  
e-mail: [FOIA@leicester.gov.uk](mailto:FOIA@leicester.gov.uk)

Your request for internal review should be submitted to the above address within 40 (forty) working days of receipt by you of this response. Any such request received after this time will only be considered at the Council's absolute discretion.

You can also complain to the Information Commissioner at:

**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow SK9 5AF**  
**Telephone: 01625 545 700**  
[www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk)

Please be aware that the Information Commissioner does not normally consider appeals or complaints until the internal appeals and complaints processes of the public authority which is answering the request have been exhausted. You are therefore advised to complain or appeal to the Information Governance Manager before contacting the Commissioner.