

Council
28 July 2022

QUESTION 1

Question from Councillor Peter O'Donovan to the Chair of the Community and Wellbeing Committee, Councillor Alex Coley.

We are lucky to have fantastic arts, culture and technology educators like UCA, Laines and Nescot in the Borough. We also have the recent opening of The Horton Chapel and a programme of Council led heritage events.

Could you provide details of our strategy to join the dots and bring our arts and culture offering together?

Reply from Councillor Coley:

One of the Council's key priorities this year is to develop an Arts, Culture and Heritage strategy for the Borough that cements and articulates our identity and reputation as a centre for excellence in the cultural and creative sectors. The strategy will result in a programme of events and activities that also includes projects linking our heritage assets with opportunities to engage our residents in cultural experiences.

Initial meetings have been held with all of the key stakeholders (including Laines, UCA, Nescot, The Horton, Satisfied Eye Film Festival and Go Epsom) and we are currently planning the first event where we will start to build the strategy collaboratively, along with a timeline for key activities and events. Once we have a clear strategy we will be going out to recruit a delivery officer for this agenda.

We are also in the process of applying for funding through the Cultural Development Fund which may enable us to offer digital programmes and tours throughout the Borough and we are hopeful that this will be accepted.

QUESTION 2

Question from Councillor Eber Kington to the Chair of the Environment and Safe Communities Committee, Councillor John Beckett.

The Police, Crime, Sentencing and Courts ("PCSC") Act 2022 is intended to make it simpler and quicker for the Police to remove unauthorised encampments from public and private land.

In May, the Government published a commentary on the Gov.UK website which includes:

The Police, Crime, Sentencing and Courts ("PCSC") Act delivers on the Government's commitment to strengthen the police's powers to tackle those unauthorised encampments which cause damage, disruption or distress. This includes a new power of arrest and the power for police to seize the vehicles of those committing it.

The Act creates a new criminal offence of residing with a vehicle on land without permission. The new offence will be committed when someone causes significant damage, disruption or

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distress in the conditions described, but has been framed in such a way as to ensure that the rights of those wishing to enjoy the countryside are not impacted. In addition, we have strengthened existing powers under the Criminal Justice and Public Order Act 1994 (“the 1994 Act”).

The PCSC Act creates a new offence for England and Wales and an accompanying power for the police to seize property (including vehicles) where individuals reside or intend to reside on land with a vehicle. The offence will be committed if a person who resides or intends to reside with a vehicle on land fails to leave the land or remove their property without reasonable excuse when asked to do so and they have caused, or are likely to cause, significant damage, disruption, or distress.

It is important to note the phrase “*they have caused, or are likely to cause, significant damage, disruption, or distress*”.

Over the past few weeks there have been several unauthorised encampments in the borough and it does appear that, from a Borough Council perspective, little has changed and our Officers are continuing to be at the forefront of action to remove those encampments.

Whilst the new law states that “*It is for the police to decide on proportionate enforcement action based on the circumstances and evidence of each case*” it would be helpful to discuss with the Police how they intend to use their new powers to enforce the law and support residents who face the “*damage, disruption or distress*” caused by these encampments.

I further note that Member’s Update of 1st July 2022 includes the comment “*With regards to the previous location, two teams visited the site and we have cleared everything on the contours except the detritus in the river which requires specialist services and a contractor with a grab lorry which has been booked in for early next week*”.

In light of all of this, will the Chair of Environment and Safe Communities

1. Invite the Local Police Inspector to a future Member Briefing to discuss with Members a range of Police related topics, including the operation of The Police, Crime, Sentencing and Courts Act.
2. Arrange for a record to be kept of all the costs to the Borough Council of every unauthorised encampment, including officer time and clearing up following departure, so that councillors, the Police, and residents have a clear understanding of the damage and disruption caused by these encampments.

Reply from Councillor Beckett:

Thank you for your question.

The Council has received a letter from the Borough Commander outlining Surrey Police’s approach to addressing unauthorised encampments under the new powers of the Police, Crime, Sentencing and Courts Act 2022.

In this letter, the Borough Commander refers to Home Office Guidance which outlines that the response to unauthorised encampments requires a locally driven multi-agency response, led by local authorities and supported by police and that the landowner retains overall responsibility for leading the response. Also, that

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legislation does not make it a criminal offence to trespass on land with the intention of residing there but does enable the police to enact their powers if the presence of that individual or group is causing, or is likely to cause, significant damage, disruption, or distress.

In the absence of case law to determine what is “significant”, the Borough Commander has confirmed that police process is not changing greatly under the new legislation.

The Interim Chief Executive is currently liaising with the Surrey Police Superintendent portfolio lead for Unauthorised Encampments around a request for the Chief Constable to attend a Member briefing session on this subject. In addition, the Borough Commander will be invited to a future Member briefing session to discuss with Members a range of police related topics, including the operation of The Police, Crime, Sentencing and Courts Act.

The costs to the Council of addressing every unauthorised encampment, including officer time and the cost of clearing up following departure is being recorded.

QUESTION 3

Question from Councillor Steven McCormick to the Chair of the Environment and Safe Communities Committee, Councillor John Beckett.

Protect Duty is a piece of new government legislation designed to provide better protection from terrorism for the British public, and is expected to come into force in 2023.

The Protect Duty consultation ran from 26th February 2021 to 2nd July 2021 and in total, 2755 individuals or organisations responded to the consultation via an online survey or e-mail.

The Protect Duty would be one means by which we seek to further enhance public security, sitting alongside our existing and ongoing work programmes to achieve this aim.

Question:

What plans does council have to progress its obligations under the Protect Duty, where does this fall on the forward plan and is there a committee or sub-committee tasked or to be tasked with this piece of important work?

Reply from Councillor Beckett:

Thank you for your question

The PREVENT and PROTECT activities are part of the CONTEST (Counter Terrorism) Strategy which uses an early intervention multi-agency problem solving approach to manage risk and works in pre criminal space.

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The main aim of the Protect workstream concentrates on keeping the public safe from an attack and this falls under the Crime and Disorder Sub-committee in line with the recently adopted new Committee Terms of Reference. The first meeting of this sub-committee is 10 November 2022 at which the Terms of Reference of this specific sub-committee will be considered, and these will include Protect Duty. Once the Sub – Committee has agreed the Terms of Reference, the forward plan will be populated with forthcoming items and the Council’s Protect Duty will be considered on a future agenda.