

On behalf of : Claimants

No of Statements: Third

Date: 27th July 2020

Claim Number:

IN THE HIGH COURT OF JUSTICE

QUEEN'S BENCH DIVISION

IN THE MATTER OF S222 LOCAL GOVERNMENT ACT 1972

AND S187B TOWN AND COUNTRY PLANNING ACT 1990

BETWEEN

(1) TEST VALLEY BOROUGH COUNCIL
(2) HAMPSHIRE COUNTY COUNCIL

Claimants

-and-

(1) ALBERT BOWERS & EIGHTY-EIGHT OTHER NAMED DEFENDANTS IN SCHEDULE 1 OF THE
CLAIM FORM

(90) PERSONS UNKNOWN FORMING UNAUTHORISED ENCAMPMENTS WITHIN THE BOROUGH OF
TEST VALLEY

Defendants

THIRD WITNESS STATEMENT OF KAREN DUNN

I, **KAREN DUNN** Head of Legal and Democratic Services at Test Valley Borough Council, Beech Hurst, Weyhill Road, Andover, Hampshire, SP10 3AJ **WILL SAY AS FOLLOWS:**

1. I make this statement in order to update the Court as to recent events including events over the weekend of 25th and 26th July 2020.

2. On 29th June 2020 an unauthorised encampment set up on a sports pitch at Romsey Sports Centre (outside of the proposed injunction area) I exhibit hereto marked **KD1** copies of photographs showing the encampment in situ. I do not know the identity of the individuals making up that encampment and the individuals would not give their names when a welfare check was carried out. The encampment comprised twelve caravans, two camper vans and twelve other vehicles and over twenty adults and over twenty children. An order requiring vacation of the land was obtained at the Magistrates Court, following which the group moved on.
3. At the same time, an unlawful encampment set up on land belonging to Nursling and Rownhams Parish Council in the South of the Borough (again, outside the proposed injunction area) where they remained for over a week PC had to incur the costs of employing private bailiffs to move them on.
4. In my first witness statement I referred to Test Valley Borough Council's intention to adopt a 'Negotiated Stopping and Temporary Transit Policy' in the event that this application was successful. I can confirm that on 17th June 2020, the Council's Cabinet formally resolved to adopt a Policy in the form exhibited to my first witness statement from the date of any order made. I exhibit a copy of the minute of that decision at exhibit **KD2** to this statement. As can be seen, this policy will be adopted (without need for a further decision) from the date of any order granted.
5. On 15th July 2020 notification was received that an unauthorised encampment had set up at land in front of YMCA East Anton, Andover (within the Andover application area). Council officers drove by and identified Mrs Bowers, who they recognise from previous dealings with her. Council Officers took the opportunity to personally serve Margaret Bowers with the injunction application and associated paperwork (notwithstanding that she had already been served in accordance with the Order of 18th June 2020). This land is owned by Taylor Wimpey Homes who I believe took their own action to move the encampment on.
6. On 21st July 2020 the Council was notified that a member of the public had seen the lock being broken off the entrance to Picket Piece Sports Centre, Andover with a crowbar and several vehicles then took up occupation behind the Sports Pavillion. Picket Piece is one of the regular locations for Unlawful Encampments and is included within the Council's injunction application area. The Council served notice to leave under s 77 of the Criminal Justice and Public Order Act 1994 and an order was granted on 24th July 2020 at Basingstoke

Magistrates Court requiring the occupants to vacate the land. I exhibit a copy of the order at **KD3**. The order was served on the occupants by Bailiffs. The serving Bailiff was told that the occupants did not intend to move and they were going to be partying that evening as their Grandson had that day been found not guilty of murder at the Old Bailey; their grandson Albert Bowers being one of the Defendants in the case of the death of PC Andrew Harper. I exhibit hereto marked **KD4** a redacted extract of the Bailiff's note.

7. Bailiffs attended to evict the unlawful encampment on Saturday 20th 2020 and they seemingly moved on a short way to a nearby football pitch at Ox Drove Andover but moved off later that day.
8. A colleague from the Council's Environmental Services Department emailed me on Saturday morning confirming that twenty bags of waste, a car battery and two tipper loads of green waste had been removed from the Picket Piece site. I exhibit marked **KD 5** a redacted copy of that email with photographs of the waste left and collected. The green waste was dumped across a fence, damaging that fence. This can be seen in the photographs. Estimated clear up costs, not including repairing the broken fence are in region of £273.
9. This morning, Monday 27th July 2020 the Head of Property and Asset Management relayed to me that he had been contacted over the weekend by an acquaintance to say that he and seen two individuals cutting the hinges off a gate at the Council-owned former Sports Field at Walworth (within the application area). The individuals were in a Ford Focus car with no rear number plate. When the reporter started taking photographs, they stopped and drove off. The reporter then parked his van in the gateway over the weekend to prevent access.
10. This morning I understand that an unauthorised encampment has been established at Walworth Industrial Estate. At the time of writing I do not know who the individuals are but believe them to be on land which is leased by the Council to a third party.
11. It is perfectly clear to me that these individuals have no respect for others' property or orders of the court. It speaks volumes that despite being served with Court proceedings to vacate the land and being personally served by a Council officer (so there can be absolutely no doubt the papers were received) a copy of the injunction application, Mrs Bowers had no qualms in being part of a group committing criminal damage to gain access onto Council land, who whilst there deposited waste, fly-tipped and damaged the Council's fencing. This is further

evidence, if any were needed that the current regime is simply not deterring these individuals who intend to continue in their brazen behaviour.

Statement of Truth

I believe that the facts stated in this Witness Statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth

Signed: 

Karen Louise Dunn

Dated: 

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EXHIBIT KD1

THIRD WITNESS STATEMENT OF KAREN DUNN









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EXHIBIT KD2

THIRD WITNESS STATEMENT OF KAREN DUNN

Having considered the options and for the reasons set out in the report, Cabinet agreed to the following:

Recommended:

That the Annual Governance Statement for 2019/20 be approved and that the Leader and Chief Executive be authorised to sign it on behalf of the Council.

76 Community Assets - Guidance on requests for use of Compulsory Purchase Powers

The Corporate Portfolio Holder presented a report which gave details of a proposed guidance note to assist communities contemplating requests to the Council to use its compulsory purchase powers to acquire a community asset with onward transfer to the community.

Increasingly over recent years, Councils were being asked by community groups or bodies to exercise their powers of compulsory purchase to buy assets which were of value to the community and at risk of being lost. To date, the Council had not received any formal requests, though had some tentative discussions.

The proposed guidance set out the level of supporting evidence the Council would need to see, enabling groups to put together effective requests.

Having considered the options and for the reasons set out in the report, Cabinet agreed to the following:

Resolved:

That the "Guidance on requests for use of the Council's compulsory purchase powers to acquire a community asset with onward transfer to the community" shown in annex 2 to the report be approved and adopted.

77 Negotiated Stopping Policy and Temporary Transit Agreement

The Corporate Portfolio Holder presented a report setting out a proposed Negotiated Stopping Policy and Temporary Transit Agreement.

Test Valley Borough Council intended to apply to the High Court for an Injunction Order prohibiting unauthorised encampments and associated nuisances in certain areas of the Borough.

It was proposed that the Negotiated Stopping Policy and Temporary Transit Agreement be approved to supplement and function alongside any injunction obtained.

Having considered the options and for the reasons set out in the report, Cabinet agreed to the following:

Resolved:

1. That the Negotiated Stopping Policy and Temporary Transit Agreement set out in the Annex to the report be approved and adopted from the date of any injunction order granted as described in paragraph 2 of the report.
2. That authority is delegated to the Head of Legal and Democratic Services in consultation with the Corporate Portfolio Holder and Leader to finalise the wording of the Policy and Schedules, including inserting the provisions of any injunction order made.

78

Scheme of Delegations to Officers

The report of the Corporate Portfolio Holder sought approval of the Council's Scheme of Delegations to Officers in so far as it applied to the powers and duties of Cabinet.

Having considered the options and for the reasons set out in the report, Cabinet agreed to the following:

Resolved:

That the Scheme of Delegations to Officers annexed to the report to Annual Council, in so far as it applies to the powers and duties of the Cabinet, be approved.

79

Eastleigh Borough Council/Test Valley Borough Council Liaison Group

The Corporate Portfolio Holder advised that the Borough Council has had a joint arrangement with Eastleigh Borough Council for many years to consider matters of mutual interest. It was necessary to appoint members to the Liaison Group annually.

Having considered the options and for the reasons set out in the report, Cabinet agreed to the following:

Resolved:

That Councillors Bundy, A Dowden, Finlay and Hatley be appointed to the Eastleigh Borough Council/Test Valley Borough Council Liaison Group.

80

Partnership for Urban South Hampshire (PUSH)

The Corporate Portfolio Holder presented a report which advised that the Borough Council had a joint voluntary agreement with other local authorities in south

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EXHIBIT KD3

THIRD WITNESS STATEMENT OF KAREN DUNN



IN the BASINGSTOKE MAGISTRATES' COURT

ORDER FOR THE REMOVAL OF PERSONS AND VEHICLES UNLAWFULLY ON LAND

Section 78(1) of the Criminal Justice and Public Order Act 1994

To the Defendant(s): PERSONS UNKNOWN being the unauthorised occupants of land at Picket Twenty, Telegraph Road Andover Hampshire (shown edged and hatched red on the attached plan) ("the Land")

On the complaint of Karen Dunn, Head of Legal & Democratic Services, Test Valley Borough Council

Matter of Complaint: that you and vehicles are present on the Land at Picket Twenty, Telegraph Road Andover Hampshire within the area of Test Valley Borough Council ("the Council") being the local authority for the area, in contravention of a direction given under Section 77 of the Criminal Justice and Public Order Act 1994 ("the Act") by the Council on 22nd July 2020 and that an order should be made under section 78(1) of the Act requiring removal of any vehicle or other property which is so present on the Land and any persons residing thereon.

It is adjudged that the complaint is true and it is ordered that:

ORDER: Any vehicle or any other property on the Land and any person residing thereon be removed from the Land no later than 24 hours following the service of this Order.

And the Council is hereby authorised, in accordance with Section 78(2) of the Act, to take such steps as are reasonably necessary to ensure that this order is complied with and in particular, by its officers and servants, to enter upon the Land to take in relation to any vehicles or property to be removed in pursuance of this Order, steps for securing entry and rendering it suitable for removal.

By Order of the Court

Signature:

Date:

24th July 2020

Position:

Assistant Judge (MC)

Time:

10.25m

Ownership Title
HP798443

Ownership Title
HP829475

Cricket Ground

100.1m

ED & Wood Rd

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EXHIBIT KD4

THIRD WITNESS STATEMENT OF KAREN DUNN

Adults 4
Children 2
Type of Visit Overt
Served
Direction to Leave Yes, served
Leave Date Time 25/07/20 10:00 AM
Police Reference 0562 24072020

Attended site at 1150hrs met with 2 females and noticed 2 children. Only 2 Caravans here now and 2 pick up vans present. 1 lady says 2 have left but another is arriving in the morning as she is moving out of this caravan.

Notes

No males present as I'm told they're at the Old Bailey in London due to the fact their Grandson is one of the males involved with the death of PC Andrew Harper. They also told me they will be partying tonight as their grandson has just been found not guilty of murder.

2 females served and left 1 notice inside door of other caravan. Left site at 1200hrs.

Operations & Enforcement Team

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EXHIBIT KD5

THIRD WITNESS STATEMENT OF KAREN DUNN

Dunn, Karen

Subject:

FW: Travellers/Bowers/ Picket Piece Ox drove

Subject: RE: Travellers/Bowers/ Picket Piece Ox drove

Morning Karen,

There was about 20 bags of waste, a car battery, and two tipper loads of green waste that needs to be removed.

With the time the operative spent cleaning up yesterday and the estimated cost for clearing the green waste tomorrow; we're looking at **£273**.

This doesn't include the cost of repair to the fence once the green waste is removed.

Many thanks

Ben





