

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION

Claim No. QB-2020-002112

B E T W E E N :

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

Claimant

-and-

(1) ALBERT BOWERS
(2)-(89) OTHER NAMED DEFENDANTS
(90) PERSONS UNKNOWN FORMING UNAUTHORISED ENCAMPMENTS
WITHIN THE BOROUGH OF TEST VALLEY

Defendants

NINTH WITNESS STATEMENT OF KAREN DUNN

I, **Karen Dunn**, Head of Legal and Democratic Services at Test Valley Borough Council, Beech Hurst, Weyhill Road, Andover SP10 3AJ will say as follows:

1. I make this Witness Statement pursuant to the order of Mr Justice Jacobs dated 24th October 2022.
2. In my last substantive updating Witness Statement (my Fourth Witness Statement dated 1st September 2021), I provided details of unauthorised encampments within the Borough from 15th June 2020 to 1st September 2021.
3. At exhibit KD6 of my first Witness Statement in these proceedings dated 15th June 2020, I exhibited a table summarising details of unauthorised encampments within the Borough from the start of 2018 to 15th June 2020, a total of 82 encampments

4. Exhibited hereto marked “**KD 1**” is a further table again summarising the encampments since 15th June 2020 so those two tables when read together summarise all of the unauthorised encampments in the Borough from the start of 2018 to date.

5. The number of unauthorised encampments in the Borough is summarised as follows:

2018	38
2019	40
2020	15
2021	9
2022 (to 12/08/22)	13

6. The extant interim order in this matter was granted on 28th July 2020 with power of arrest. On 24th May 2021 His Honour Judge Nicklin discharged the power of arrest as against persons unknown.

7. In my previous witness statements I described and exhibited the Negotiated Stopping Policy adopted by Test Valley Borough Council on 28th July 2020 under which requests may be made to stop up temporarily. I can confirm that the policy remains live and that since the policy was adopted the Council has received no approaches requesting to stop up under that policy.

8. Since 13th May 2020 (the date on which my reports in my schedule annexed to by original witness statements end), Test Valley Borough Council has served 8 notices under section 77 of the Criminal Justice and Public Order Act 1994. Of these 8, four have progressed to court with orders obtained under s78 of the Act and two actual evictions have been effected.

9. During that same timescale the Police have exercised their powers under section 61 of the Criminal Justice and Public Order Act 1994 on four occasions.

10. I set out below the impacts and related harms observed in the unauthorised encampments covered by this witness statement.

Impact and related harms associated with unlawful encampments within the Borough

Threats/intimidation

11. On 27th October 2021 police reports (4442103150) show a public order offence recorded when those on the encampment used abusive language when asked to leave.
12. On 4th of March 2022 a male from an unauthorised encampment at Adanac Park Nursling was trying to gain entry to the pub in the morning before it opened. The previous night when asked to leave he threatened a staff member saying he would “take your head straight off and chuck you through a window”. A separate staff member was threatened with “I’ll smash your fucking face in”. Separately, one of the group from the encampment told a female staff member they would ‘raid the place’.
13. On 11th May 2022 at North Baddesely Playing Fields, a member of public was threatened and reported that individuals attempted to run him over when he tried to stop them accessing the site.
14. On the 20th May 2022 an individual from the unauthorised encampment at Charlton Sports Centre, Andover had some tyres fitted at a local garage then refused to pay and threatened to kick the tyre fitter in and to return and break into the shop that night.
15. On 1st June 2022 an unauthorised encampment set up in the car park of the Potters Heron pub in Ampfield. A member of public reported being threatened by persons from the encampment. Staff members were also threatened when refusing entry and they were told that the travellers would let their children run riot.
16. During the unauthorised encampment at Nursling Recreation Ground, Nursling from 12th - 15th July 2022, the police received reports of shoplifting from the nearby Co-op store- the staff member reported being cornered by a group while another made off with goods without paying.
17. Also during this encampment a group was reported to the police for swearing at neighbouring children and an adult male lifting up his shirt to show a ball bearing gun.

During the course of an incident of shoplifting by those who were involved in an unauthorised encampment at Picket Twenty Playing Fields on 24th July 2022 it was reported to the police that violence had been threatened against the store manager and the individuals also threatened to return to the store later when the store manager would be alone.

18. A report of racial abuse was also received by police which describes children returning home having been racially abused by individuals from the encampment.

Risk to Public Health – untreated human waste

19. On 21st September 2021 the police were informed that children of the unauthorised encampment at the North Baddesley playing fields had been defecating in the play park onto the play equipment and also shouting and swearing at adults in the park.
20. On 28th September 2021, the unauthorised encampment at the Old Cricket Ground Playing Fields North Baddesley having vacated the land, the police report describes the landowner's reports of 'shopping trolleys and gas bottles being left in the woods, things thrown up in the trees and human faeces and baby wipes everywhere..... on health and safety grounds we need it cleared up asap' (police report 44210374603).
21. During the encampment at Nursling Recreation Ground from 12th July 2022 to 15th July 2022 there were several reports to the police of human excrement on the site. A report was received of a naked male defecating on a path between the school and recreation ground in full view leaving faeces and toilet roll on the ground. A further police report was received of a male going into a wooded area to defecate and another report of a male wandering around in only his underpants. Another informant reported travellers defecating against her fence.

Damage/theft

22. Police report 44210374603 records that a metal bar was bent to enable access to the Old Cricket Ground North Baddesley by those who subsequently set up an encampment there on 17th September 2021.

23. On 24th August 2021 damage was reported when an unauthorised encampment set up on Plot 53, Central Way, Andover. – the door to an unoccupied business unit was repeatedly broken down to get to and use the toilets in the building. Water and electricity was also abstracted from the building by those in the encampment. The door was broken down again to access the toilet by those forming a further encampment at Plot 53 on 21st October 2021. I exhibit hereto marked “**KD2**” a copy of photographs taken by Lee Chesters of the Council’s Environmental Services team when he was asked to visit the industrial estate to see any mess was left behind.
24. On 3rd March 2022 a large and troublesome encampment was established on the Southampton University Hospital park and ride car park at Adanac Business Park, Nursling. The various police reports (lead report 44220086915) show reports of those from the encampment throwing a long fluorescent light into the Hotel. A cabin in the car park had its windows smashed and electrical input displaced. A group of youths from the encampment were reported throwing bricks and stones at cars in the car park and a windscreen was smashed.
25. Also related to this encampment, two reciprocating saws were stolen from a nearby B&Q store, the security wires having been cut off. Staff followed the culprits back to the encampment. Similarly, two ‘Henry’ hoovers, clothes and batteries were stolen from a nearby Sainsbury’s store. A screwdriver head was also pushed into a lock of a hospital vehicle.
26. On 11th May 2022 at North Baddesley Playing Fields, a height restriction barrier was cut right through to gain entry to the site where an encampment subsequently set up.
27. During the course of an unauthorised encampment near the Premier Inn, Joule Road, Andover on 31st May 2022 sticks were thrown at the windows of the hotel and cars were damaged in the hotel car park.
28. On 12th July 2022 an unauthorised encampment moved on to the Nursling Recreation Ground. The police report describes mechanical equipment was used to cut the gate to gain entry.

29. On 27th July 2022 an unauthorised encampment set up at Picket Twenty Playing Fields, Andover. It was reported to the police that two padlocks were cut to gain entry. Police reports were also received of children from the encampment stole approximately £400 of goods from a neighbouring shop.
30. A further police report was received of theft from a local fishing tackle shop where rods were stolen using a child as a distraction. Several other reports of shoplifting were received. A vehicle from the encampment was linked by the police to the theft of £600 of fuel from a local business by three males in balaclavas – the gate being forced to gain entry.
31. Also related to this encampment was a police report that a child's scooter and football were stolen by children from the encampment.
32. An unauthorised encampment was established at Plot 90, Walworth Business Park, Andover from 10th – 14th August 2022. The police received reports of theft from a petrol station and swearing at staff. After the encampment vacated, the Council's Environmental Services team found number plates and registration documents in the hedges. I reported these to the police.

Nuisance

33. On 10th August 2020 the Bowers family including Albert Bowers set up an unauthorised encampment at the Romsey Industrial Estate. In police report 44210318093 officers note that Albert Bowers was setting up for garden services for the day and that due to recent reports and complaints about Mr Bowers the officer saw fit to put out a general social media post about rogue traders. The police also received reports of screaming and shouting and dog barking in the early hours and a generator running.
34. On 21st September 2021 approximately 8 children from the unauthorised encampment at the North Baddesley recreation ground disrupted a fitness class on the field by kicking the organiser's belongings around before running back to the camp when the police were called (Police report 44210377974)

35. As a result of the issues at the University Hospital park and ride car park Covid testing station on 3rd March 2022 and staff were redirected to the main hospital car park which put pressure on public parking.
36. At the unauthorised encampment which set out at North Baddesley Playing Fields on 11th May 2020 there were complaints to the police of an aggressive dog and youths from the site entering a nearby business and verbally abusing staff.
37. On 2nd July 2022 an unauthorised encampment set up in the car park at Romsey Rapids Leisure Centre. Police reports were received of children from the encampment refusing to leave the pool, resulting in the pool having to be emptied of other customers. They then went on to argue with members of public in the car park and a bottle was thrown which hit a customer.
38. During the encampment at Nursling Recreation Ground from 12th -15th July 2022 the police received reports of noisy quad-bike riding and dogs barking day and night, screaming and shouting from the camp, dogs running loose and defecating.
39. My colleagues in the Council's Environmental Services Team have the following records for clear- up costs after the unauthorised encampments described in my schedule:

23/10/21	Romsey Rapids	2 x man and van 200kg waste	£80
16/05/22	Junction Nursling St and Cranmer Avenue	12 x man and van 1 Tonne waste	£492
20/05/2022	Charlton Athletics Track	16 x man and van 200kg waste	£656
02/07/2022	Romsey Rapids	1 x man and van Couple of bags of waste	£41
24/07/22	Picket Twenty Playing Field	6 x man and van 750g waste	£246
10/08/22	Plot 90 Walworth Business Park	27 x man and van 3 tonnes waste	£1,107
12/05/22	Foxcotte Sports Ground	1 x man and van	£41
		Total	£2663.00

40. The Council no longer carries out its own welfare checks or serves notices itself. This decision was taken after officers found themselves in some precarious situations when attending encampments. The Council incurs external cost each time a welfare check is carried out or notice of proceedings, notice of a hearing or an order is served.
41. For the eight notices served under section 77 described above, four of which proceeded to order and two of which necessitated bailiff –supported induction, I estimate the disbursements paid to total some £7154, adding on legal officer time of, say, three hours per case (a conservative estimate) adds a further £4,248, a total of £11,402. This does not include Environmental Services officer time.
42. As I have described previously both the Council and the police have found the interim order with power of arrest tremendously effective. It enabled the Council and the Police to work together and adopt a joint approach, carrying out joint visits to unauthorised encampments, reminding them of the order and power of arrest and effect of breach and giving a timescale by which if the encampment did not move on, arrest would follow. An arrest has never actually been made as the encampments will generally accept the situation and move on.
43. I believe that the travelling community are aware of and take heed of the order and perhaps more particularly the power of arrest. I can recall being told by those at an encampment (before Test Valley’s interim order was granted) that they had had to stop in Test Valley because Basingstoke and Deane Council ‘had an injunction’.
44. Although Test Valley’s interim order was obtained in July 2020, it took some weeks before it was received from the court and served.
45. I recall two particularly large encampments, one at Rich Products, Andover on 24th September 2020 and one at the Councils George Yard Car Park on 18th October 2020 when, supported by Hampshire Constabulary Officers (who had put arrangements in place to later carry out arrests if necessary) I attended those encampments and along with the police explained the implications of the order and power of arrest. I believe that those discussions -which were with families whose names regularly appear in these proceedings -were fundamental in establishing an understanding which appeared to be accepted and respected for the period that the power of arrest was in place. After those two encampments, there

was only one further encampment in the area covered by the injunction for the ten months or so that the power of arrest remained in place.

46. Now that the Power of Arrest is discharged, I believe that very little heed is taken of the injunction order. That can be seen by the statistics – unauthorised encampments are on an upward trajectory and importantly, are taking place squarely in the area which is covered by the interim injunction order, illustrating the disregard now given to the order.
47. The interim order has lost its teeth without the power of arrest. Of course, committal proceedings could be brought (insofar as that is possible against persons unknown) but it would be impractical to do that as committal does not deal with removal from the land in the traditional sense and that removal can be secured by using the s77/78 procedure – though as described before, that is not particularly effective as whilst it works for any given encampment, the area cannot be too widely drawn and encampments will, for example, move a short way down the road and the process has to start all over again.
48. I can personally attest to the real effectiveness of the power of arrest against persons unknown which attached to the original interim order.
49. It is of note that since the date of my last statement the Police, Crime, Sentencing and Courts Act 2022 has come into force with its new offence of ‘residing on land without consent in or with a vehicle’. Since the Act came into force, I have invited the police to consider this offence in relation to most unauthorised encampments but the police have never agreed that it is made out.
50. Given the lowered thresholds of s61 established by the same Act, it is difficult to see in which circumstances the new offence might be made out without first reaching the new, reduced s 61 threshold. In any event, the new legislation has, in my experience had no impact on the instances of unauthorised encampments within the Test Valley Borough Area.
51. I therefore ask this Honourable Court to make final the interim order in this matter and to impose a power of arrest both against the named Defendants and persons unknown forming unauthorised encampments within the Borough of Test Valley.

STATEMENT OF TRUTH

I believe 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: 3rd November 2022

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Exhibit

KD1

REFERRED TO IN THE NINTH WITNESS STATEMENT OF KAREN DUNN

	Date	Location	Names (where known from council or police reports or VRM checks)	Number of vehicles	Land owner (where known)	Reason for vacation (if known)
1.	26 th June 2020	Recreation Ground, Nursling.		25 vehicles 9 criminal offences and 9 ASB reports Damage	Nursling Parish Council	
2	29 th June 2020	Romsey Rapids Rugby Club		12 Caravans, 2 camper vans, 20+ adults and children	Test Valley Borough Council	Notice served S77
3.	10 th July 2020	Top Green Lockerley		One family	Private land	Had moved on by 12 th July 2020
4.	21 st July 2020	Picket Twenty Sports Ground, Andover	Bowers family Know of injunction Black and blue bin bags, hedge cuttings, fires Padlocks cut off gate			S 77 notice S78 order
5.	25 th July 2020	Ox Drove, Andover,	Bowers family	3 Ford Transits and 2 caravans		
6.	27 th July 2020	Kingsway, Andover	Bowers family		J&K Property consultants	1/08/22 in course of moving
7.	30 th July 2020	Peake Way, Charlton, Andover	Bowers family	2 caravans		Notice served
8.	24 th September 2020	Rich Products Limited, Andover	Nine vehicles, five caravans			25 th September 2020, landowner had instructed bailiffs to remove.
9.	24 th September 2020	Kingsway, Unit 5, Waiworth Industrial Estate, Andover	McDonagh Family	8 Vehicles and 4 caravans	TVBC	
10.	18 th October 2020	George Yard Car Park, Andover		10 vehicles and 10 caravans	TVBC	Police and TVBC attended, explained injunction and

							power of arrest – they left
11.	10 th November 2020	Charlton Sports Centre, Andover	Two Albert Bowers, Two females and 3-4 children Cutting padlock on height restriction barrier Further damage on leaving. Daniel O’Brien	2 caravans and two transit vans	TVBC		Police and TVBC attended and discussed injunction, gave to 17:00 hours to leave – group left
12.	10 th March 2021	Romsey Rapids Sports Centre		Four Vehicles with caravans	TVBC		S77 notice served and order obtained but left before enforced.
13.	23 rd July 2021	Romsey Rapids Sports Centre	Bowers VRM Albert Bowers	2 caravans			S77 notice S78 order Bailiffs enforced order
14.	30 th July 2021	Romsey Rapids, long stay car park					S77 notice served s78 order obtained
15.	10 th August 2021	Romsey Industrial Estate, Romsey	Bowers family 3 x reports of ASB Nancy Bowers, Billy Bowers, Margaret Bowers, Michael Bowers, Albert Bowers	2 vehicles and 2 caravans	Private landowner		Landowner dealt with eviction
16.	12 th August 2021	Playing Fields, North Baddesley	20-30 individuals Vehicles registered to Louise Metcalfe and Tommy Quilligan	4 caravans 6 vehicles	North Baddesley Parish Council		PC led eviction
17.	24 th August 2021	Plot 53 Central Way, Andover	McDonagh and O’Brien families Abstracting electricity and water from factory Damage to door	5 vehicles and 4 caravans			Private landowner dealt with eviction
18.	17 th September 2021	The Old Cricket Ground, playing fields, North Baddesley	Same group from playing fields Vehicle registered to Simon McGinley		North Baddesley PC		NBPC led eviction

19.	21 st October 2021	Plot 53 Central Way, Andover	Quilligan family and others Dangerous dog, ASB, Burglary	5 x vehicles and 5x caravans	Private landowner	Private landowner dealt with eviction
20.	27 th October 2021	Trojans Rugby Club Eastleigh (within TVBC area)		5 Caravans 5 Vehicles		Eastleigh Borough Council dealt with eviction
21.	3 rd March 2022	Adanac Business Park, Nursling	Connors Family and others Tomas Connors, Harry Moore, Patrick Jones, Andy Bailey, Arthur Stones, Vitalijus Radkevicius Kathleen Hanrahan and Michael Nevin. Linked to large amount of other matters across Hampshire ASB, Criminal damage, public order, theft, shoplifting,	20-30 caravans	Southampton Hospital University Trust	8 th March 2022 police s61 powers exercised.
22.	11 th May 2022	Playing Fields, North Baddesley	James Galbraith, Tom Smith, Julienn Donovan, Linda Barnett, Matthew Nicholson, Steven Jackson and Patrick Quilligan. Height barrier cut Football competition planned on land Public order offence	13 cars 13 caravans	North Baddesley Parish Council	Police s61 powers used. Group left 21.05.22
23.	16 th May 2022	Junction Nursling Street and Cranmer Avenue Nursling		7 caravans 18 vehicles	TVBC	Left 24/05/22 to attend Wickham horse fair
24.	20 th May 2022	Charlton Sports Centre, Andover	Martin McDonagh, Mary Collins, Patrick Ward, Martin Sweeney, Patrick Collin, Charlie McDonagh, Willie	8 Caravans and 10 vehicles on athletics track	TVBC	Police used s61 powers and group left 21.05.22

			McDonagh John McDonagh, Patrick Collins				
25.	31 st May 2022	Premier Inn, Joule Road, Andover	Shoplifting report and PO offence Throwing sticks at windows and criminal damage,	4 vehicles and 4 caravans	Private landowner	31 st May 2022	
26.	1 st June	Potters Heron Public House, Ampfield	Sarah Crawley, Charles Ward, and Mary McDonagh.	7 vehicles and 3 caravans	Private landowner	2 nd June 2022	
27.	2 nd July 2022	Romsey Rapids	Sarah Crawley, Charles Ward, and Mary McDonagh. ASB	3 motorhomes and a vehicle	TVBC	6 th July 2022	
28.	12 th July 2022	Nursling Recreation Ground	Jayson Stanley, Willie Doyle, Matthew Watts, Andrew Piercy, Mary Mullane, John Lee, Josie Connors, Bobby James, Danny O'Brien, Francie, Mullane, Brian Morgan, Roger Tuppen, Shanon Price, Daniel O'Donovan, James McDongah, David Moors, Sally Ann O'Connor, Edward Thomas, Michael Stokes, Martin Doherty, Christopher Bickerstaff, James Craig, James Coran, Pat Mullane, John Mohan, Nathan Stewart, Miss Quilligan, Isabel Langlands and Savanah Carter Multiple linked matters ASB, damage, indecency, public order, shoplifting, stolen vehicle seized	15 caravans, later grew to an estimated 70 vehicles	Nursling PC	Police used s61 powers, large mobilisation of public order trained Officers group left 15/07/22	
29.	24 th July 2022	Picket Twenty Playing Fields Andover	Includes: Helen O'Brien, Thomas Taylor, Tom Smith, Vanessa Sweeny, Patrick Quilligan and John McKeon. Racially aggravated assault	10-12 caravans and associated vehicles	TVBC	s77 Notice 78 order Bailiff eviction 29/07/22	

				Shoplifting with public order Shoplifting Racially aggravated PO Robbery Fuel theft				
30.	28 th July 2022	Land off Duck Street Abbotts Ann	8 people	1 caravan and 2 vehicles	Unknown	29 th July 2022		
31.	5 th August 2022	Romsey Rapids Long stay car park				Left within 24 hrs		
32.	10 th August 2022	Plot 90 Walworth Business Park Andover	Jake Howard, Amy Janes, Elisabeth Mosley, Eddie Lee, Martin Quilligan, James Cooper, Daniel Breakwell, Michael Finney, Harry Smith, James Price, Richard John Smith, Michael Coule, Sophie Hay and James Lee	20 vehicles 12 caravans	TVBC	S77 Notice S78 order 14 th August 2022		
33.	12 th August 2022	Foxcotte Park Sports Ground, Andover	One caravan abandoned on site McDonagh family- Simon McDonagh, Martin McDonagh, Joseph McDonagh, Owen McDonagh Vehicle seizure, ASB, shoplifting, Assault	17 caravans and associated vehicles	Freeholder TVBC leased to sports club	13 th August 2022		

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Exhibit

KD2

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