

**B E T W 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  
(91) – (137) OTHER NAMED DEFENDANTS**

**Defendants**

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**EVIDENCE BUNDLE - SECTION B  
(Witness Statements)  
FOR HEARING ON 13 and 14 May 2024**

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Claimant  
Witness: Karen Dunn  
Dated  
Exhibits  
1  
Claim no:

**IN THE HIGH COURT  
QUEENS BENCH DIVISION  
BETWEEN:**

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

**Claimants**

**-and-**

**(1) ALBERT BOWERS AND OTHER NAMED DEFENDANTS  
LISTED IN SCHEDULE 1 OF THE CLAIM FORM  
(2) PERSONS UNKNOWN**

**Defendants**

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**FIRST WITNESS STATEMENT OF KAREN DUNN**

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I, KAREN LOUISE DUNN, of Test Valley Borough Council, Beech Hurst, Weyhill Road, Andover, Hampshire SP10 3AJ will say as follows:

1. I make this statement in support and on behalf of the First Claimant, Test Valley Borough Council in its application for an injunction and interim injunction to prevent the named Defendants and Persons Unknown from forming further unauthorised encampments on the areas within Test Valley Borough Council's administrative area which are outlined in red on the plans attached to the draft order attached to the Claimant's application.
2. I am the Head of Legal and Democratic Services and Monitoring Officer at Test Valley Borough Council and have held this post since January 2017. It falls to the legal team to advise other teams and Services across the Council in relation to issues arising in respect of any unlawful encampments and to receive instructions to issue notices and take Court proceedings where necessary.

3. Under the Scheme of Delegations to Officers contained in Test Valley Borough Council's Constitution, the Head of Legal and Democratic Services is delegated authority for:
- (1) The institution, prosecution, amendment or termination of any proceedings, which the Council is empowered to undertake, in or before any court, tribunal or inquiry.*
  - (2) The defence or settlement of any proceedings brought against the Council.*
  - (3) The taking of any action incidental or conducive to or which would facilitate any action under (1) or (2) above.*
4. Section 222 of the Local Government Act 1972 sets out the power of Local Authorities to prosecute or defend legal proceedings and provides:
- (1) Where a local authority consider it expedient for the promotion or protection of the interests of the inhabitants of their area –*
    - a. they may prosecute or defend or appear in any legal proceedings, and in the case of civil proceedings may institute them in their own name, and*
    - b. they may, in their own name, make representations in the interests of the inhabitants at any public inquiry held by or on behalf of any Minister or public body under any enactment.*
5. Section 187B of the Town and Country Planning Act 1990 provides:
- (1) Where a local planning authority consider it necessary or expedient for any actual or apprehended breach of planning control to be restrained by injunction, they may apply to the court for an injunction, whether or not they have exercised or are proposing to exercise any of their own powers under this Part.*
  - (2) On an application under subsection (1) the court may grant such an injunction as the court thinks appropriate for the purpose of restraining the breach.*
  - (3) Rules of court may provide for such injunction to be issued against a person whose identity is unknown.*
  - (4) In this section "the court" means the High Court or the County Court.*
6. In making the decision in my capacity as Head of Legal and Democratic Services to make an application to this Honourable Court for an injunction order under the above powers, I have considered and given due weight to the substantial evidence compiled in support of this application. This includes evidence of nuisance and alarm to local residents and business, the

prevalence of fly-tipping and other unlawful activity associated with the encampments, the risk to health posed by human waste which is often a feature of unauthorised encampments. I am of the view that the actions of those setting up unlawful encampments within the Borough and the behaviour exhibited once a camp is established is having a detrimental impact on the settled community. I ask this Honourable Court to note that the geographical area which is the subject of this application is limited and is limited to the area where the most problematic unlawful encampments have occurred and where the negative impacts of the encampments are most regularly and intensely experienced.

7. As will be seen from the evidence supporting this application, many of the problematic encampments occur within the Andover area, often on community green spaces, sports facilities or recreation grounds. A further small parcel of land is included in the application in Romsey in the South of the Borough comprising the Test Valley Borough Council-owned Alma Road car-park which, from time to time attracts encampments. Test Valley Borough Council has been able to identify numerous individuals who have comprised the unlawful encampments within the Borough who are listed as named Defendants to this application. However there are other individuals who have set up unauthorised encampments whose identity is unknown. Accordingly, the order sought includes persons unknown. To this end, the Court's attention is once again drawn to the geographic scope of the proposed order which does not seek to cover the entire Borough but simply those areas where there is a known and repeated history of intolerable behaviour related to unauthorised encampments.
8. I have put my mind to the requirements of section 222 of the Local Government Act 1972 and I am entirely satisfied that seeking an order in the terms attached to the application is expedient for the promotion and protection of the inhabitants of the Test Valley Borough Council area. In addition to the substantial effect on the community I have taken into account the financial cost (on which I expand later in this Witness Statement) of the clear- up costs which are incurred when an encampment moves on leaving fly-tipped waste and other waste and detritus, the cost of repairing the damage when entry to land has been forced, the cost of enhancing site defences and the cost of taking court action and thereafter enforcement.
9. As is described later in this statement, Test Valley Borough Council regularly has cause to serve notice and take court proceedings under sections 77 and 78 of the Criminal Justice and Public Order Act 1994 to move unauthorised encampments from its land. Community Protection Notices under s43 of the Antisocial Behaviour, Crime and Policing Act 2014 have also been served and on occasion applications for seizure orders under s51 of the Act made. The

Police are regularly involved in liaising with encampments and where justified will use their powers under section 61 of the 1994 Act to move encampments on. None of these actions have had the effect of stopping or reducing the instances of unauthorised encampments. In fact those setting up such encampments seem now to be familiar with the process for their removal and increasingly will expressly say that they will not move on until the court makes an order and/or measures are taken to enforce an order. There is no further action that could have been or could be taken to reduce or mitigate against the unlawful encampments.

10. It is apparent that nothing short of an injunction order will bring a stop to the unlawful encampments and their consequences. I understand that if this Court sees fit to grant an order that it will be on an interim basis in the first instance with later consideration of a final order.
11. I can personally confirm that Test Valley Borough Council has engaged with Hampshire Constabulary who are aware of and are fully supportive of the Council's application for an order. The Police have seen fit to provide substantial evidence to support this application. I am authorised and requested by the Second Claimant to include them in this claim.
12. I respectfully submit that the test and principles established in the case of *American Cyanamid Co –v- Ethicon Ltd 1975* are satisfied. There is a serious issue to be tried here. The substantial evidence supporting this application clearly illustrates that the unauthorised encampments experienced in the Borough have had and continue to have a serious effect on the community and the Council has a soundly arguable case. In considering the balance of convenience, it is clear that this is not a case where damages would be an adequate remedy if the Claimants were to succeed in their application. This is not a monetary claim but an application for an order curtailing certain behaviour. On applying the balance of convenience to the claim generally, the weight of the evidence supporting this application in terms of impact on communities, coupled with the restricted geographical area which is the subject of the application illustrates that the balance of convenience lies in the granting of an order in the terms sought. If an order is not granted, the instances of unlawful encampment and associated nuisance and unlawful acts will continue.
13. Further, the Claimants respectfully submit that pursuant to the decision in *Kirklees Metropolitan Borough Council –v- Wickes Building Supplies Ltd 1992* the Court ought not to require the Claimants to provide a cross-undertaking in damages, being as they are public authorities engaged in their duties.

14. Test Valley Borough Council's area spreads from Linkenholt in the north to Nursling in the South, largely following the course of the river Test and covering 242.4 square miles. The Borough has a population of approximately 130,000. I exhibit hereto a map showing the location of Test valley Borough Council at "KD1" and a more detailed map of the Borough at "KD2". The two main centres of population within the Borough are the market towns of Andover in the north and Romsey in the south of the Borough. The town of Stockbridge sits in the middle of the Borough. The Borough has many rural areas, characterised by agricultural land and by villages. There are also areas of industrialisation in Andover and Romsey, both of which have business parks. Andover has several business parks and some national and international companies have their Headquarters in the town. The Army Headquarters is also situated in Andover.
15. The A303 passes horizontally through the Borough just south of Andover. The M3 skirts down to the East of the Borough, with the Borough's southernmost tip ending part-way down the M271 leading into Southampton.
16. Over the past two years and particularly in 2019, the Council saw an increase in unauthorised encampments, both in terms of numbers and in terms of complexity of the encampments.
17. Where an encampment occurs on Test Valley Borough Council land, depending on the nature of the land (e.g. if it is playing fields) officers from either the Communities and Leisure Service or the Environmental Service will visit the encampment and speak to those present to attempt to establish their position. At this stage a 'Welfare Check' will also be carried out with a view to identifying if any of the encampment (including any children) has any specific health, social or welfare needs with a view to making any appropriate referral and highlighting any particular issues. Rubbish bags are generally issued at this stage. Test Valley Borough Council historically engaged the Hampshire County Council Gypsy and Traveller Liaison Officer to carry out these Welfare Checks however from early 2018 this Council's officers have undertaken that function. We continue to liaise with the Hampshire County Council Gypsy and Traveller Liaison Officers and notify them when encampments arise.
18. The relevant Service (either Communities and Leisure or Environmental Services) will then take advice from the Legal Department and if deemed appropriate instruct the Department to draft notices and if necessary pursue court proceedings.
19. Once an encampment has moved on, Officers from the Council's Environmental Service will attend the site to clear up the rubbish and/or fly

tips which are usually left behind and to establish if any environmental offences have occurred.

20. The area that is the subject of this application covers circa 16.99 square miles. It covers the urban area of Andover in the north of the Borough extending out into the fringes of surrounding countryside and villages. Also included in this application is a small parcel of land in the town of Romsey in the south of the Borough. This is a car park owned by the first Claimant, next to a Waitrose store. Exhibit “**KD3**” illustrates the geographic scope of the injunction application area in the context of the Borough as a whole.
21. There was a total of 82 unauthorised encampments in the Test Valley Borough Council area in the years 2018, 2019 and up to the end of May 2020. This figure is made up of encampments reported directly to Test Valley Borough Council, those reported to the Second Claimant, Hampshire County Council and those reported to Hampshire Constabulary. There have been four encampments so far in 2020. Of these 82 encampments, 65 occurred in the Andover urban area, on open spaces and sports facilities which are regular attraction. The area which is the subject of this application encompasses the area most regularly experiencing unlawful encampments. Of the 82 encampments experienced across the Borough, 65 fall within the proposed injunction area in the North i.e. Andover and 2 fall within the small area in the South, namely the Alma Road Car Park in Romsey.
22. A map showing the distribution of unauthorised encampments in the Borough from the start of 2018 to date *outside* of the Andover area is exhibited hereto marked “**KD 4**” and a map showing the encampment locations for the same period *in* the Andover area at “**KD5**”
23. The majority of the unauthorised encampments have caused nuisance, annoyance and great concern to residents in the vicinity of those encampments. Impacts include noise, nuisance, intimidation, inability of residents to use sports facilities and open spaces, large amounts of household waste, human excrement, used toilet paper and nappies, large amounts of garden waste and fly-tipped tree cuttings have been reported by members of the public and the first Claimant’s officers. Examples of these impacts are described below and in the witness statements accompanying this application. Photographic evidence is exhibited to the witness statements.



Scale and number of unauthorised encampments in Test Valley Borough Council area.

24. A breakdown of the 82 unauthorised encampments that have occurred in the Borough since the beginning of 2018 to date are set out in the table marked “**KD 6**” exhibited to this statement. This table shows details (where known) of the date, length of stay, land owner, number of vehicles and caravans and where known, the family names of the occupiers.
25. In 2018 there were 38 unauthorised encampments in the Test Valley Borough Council area and in 2019 there were 40. There have been four encampments so far in 2020, all in Andover, within the injunction application area. 2020 has of course been far from normal as a result of the coronavirus pandemic with movement curtailed by legislation and Government guidance. The first encampment of the year occurred at Greenwich Way, Andover at the end of February 2020.
26. On 3<sup>rd</sup> May 2020 an encampment (the McDonagh family) occupied the car park of local business “Simply Health” in central Andover and most recently an unknown group set up camp on the rugby pitches at Andover Rugby Club, Andover on 13<sup>th</sup> May 2020 and vacated over the weekend 16<sup>th</sup>/17<sup>th</sup> May 2020. I exhibit hereto marked “**KD7**” photographs of the vehicles shortly after arrival at the Simply Health site.
27. There is a core of family groups who are responsible for the majority of the unlawful encampments within the Borough. The same names and vehicle registration numbers come up time and again, often in the same location. As shown in the table exhibited at **KD6** to this statement and summarised below. I have compiled this schedule of encampments within the Borough using Test valley Borough Council’s own records, information received from Hampshire Constabulary and from the Second Defendant Hampshire County Council.
28. As described above, when these encampments have occurred on Test Valley Borough Council owned land, Test Valley Borough Council officers have undertaken welfare checks save for early 2018 where those checks were carried out by the Second Claimant’s Gypsy and Traveller Liaison Officer. Those welfare checks contain the full details which the Claimants were able to obtain at the time of their visit and additionally, some further details have been obtained from Hampshire Constabulary records of their visits to the encampments, reports received and vehicle registration number checks. The Groups concerned and number of encampments in which they appear can be summarised as follows:

Bowers alone	12
Bowers and Loveridge	2
Bowers and others	4
Loveridge alone	2
Loveridge and others (excluding Bowers- counted above)	4
Coker and Smith	2
Roy and Myhill	3
Clee, Evans and McDonald	1
McDonaghs alone	7
McDonaghs and others	5

29. The council's records show that the on two occasions in 2018/2019 the Police have used their powers under section 61 of the Criminal Justice and Public Order Act 1994 to deal with unauthorised encampments within the Borough. The most recent of which was on the 5<sup>th</sup> August 2019 when approximately 43 vehicles and 24 caravans occupied the sports field at Picket Twenty (a large housing development) in Andover. The police report shows that there were approximately twenty five different families comprising over one hundred individuals. Over fifty public order officers of varying ranks across Hampshire Constabulary were mobilised to enforce the section 61 direction. Inspector Christopher Taylor tells me that this mobilisation alone carried an estimated wage-cost of £22,000 with sustenance and travel costs added to that.
30. The First Claimant has issued directions to leave on fourteen occasions under section 77 of the Criminal Justice and Public Order Act 1994 since the start of 2018 with ten of these requiring further action, namely court proceedings under s 78 of the same Act.
31. Action taken by the First and Second Claimants and the Police have had no impact on the frequency and size of these incursions.
32. Obtaining an order for possession and even having bailiffs carry out the eviction process does not seem to deter the unlawful occupiers who often will hop from one piece of land to another requiring the Council to start the court process afresh knowing it will take at the very least a number of days for the Council to obtain a court date and further time before the order can be enforced. The whole process can take weeks.

33. There was a particular spate in late 2019 of the First Claimant going to the costly and time consuming process of obtaining an order under s78 of the Criminal Justice and Public Order Act 1994, and on occasion having to engage costly commercial bailiffs to enforce the order only for the encampment to move to a location just outside of the geographical scope of the order and so the process has to start again with the Council essentially undertaking the cost and labour intensive exercise of “following” the encampment around the Andover area obtaining successive orders to vacate the various pieces of land.
34. The impact this has had on communities and residents is detailed below and in the statements supporting this application. Many of those making up the unlawful encampments know very well how the system works, how long it will take to obtain a court order and that bailiffs will generally be instructed to actually enforce any order obtained. It is often the case that the encampment will stay until the eleventh hour and move on just before eviction. Very often officers are told when visiting encampments that the encampment intends to stay for as long as it can or until an order is obtained. There have been a number of occasions where an unlawful encampment has impacted on communities by way of environmental nuisance or intimidation and have been moved on only to set up another camp locally and for the same issues to occur. This type of occurrence has been of particular distress and frustration of local residents.
35. Groups made up of different combinations of the Bowers and Loveridge families have periodically been in and around the Borough for a number of years forming unlawful encampments of varying sizes either alone or with other families or individuals. The first two encampments in 2020 involved the Bowers family. In 2019 the McDonagh family started to appear in the Borough and were instrumental in a large proportion of the encampments in the second half of 2019. The McDonagh family were responsible for the third encampment in 2020 in central Andover.
36. As described in the witness statements supporting this application and referred to below, the unauthorised encampments are regularly linked with or directly reported to have given rise to the impacts and behaviours described in the above paragraphs.

## Impact and related harms associated with unlawful encampments within the Borough

### Fly-tipping.

37. Waste that is deposited on land unlawfully, commonly known as fly-tipping, can be a source of pollution, a danger to public health and a threat to wildlife. Unlawful deposit of controlled waste also forms the basis of offences under the Environmental Protection Act 1990. The harm presented by fly-tipped waste will vary depending on its content, but the potential harms can often be serious.
38. The clearing of fly-tipped waste is costly and time consuming. Responsibility for clearing waste tipped on land ultimately sits with the landowner. Where the Council undertakes this clear up work, the cost is ultimately borne by the public purse. The evidence supporting this application documents deposits relating to unlawful encampments comprising tree cuttings, electrical items, building waste, wood and guttering along with household waste and food packaging.
39. The Witness statement of Ben Hamilton, Test Valley Borough Council Street Cleaning Manager exhibits at BH1 a schedule reporting the quantity (by weight), man hours and costs recorded for removing waste after the unlawful encampments in the Borough have moved on in years 2018 and 2019. It can be seen that the quantities of waste and cost of removing it are significant. Unless otherwise specified, these costs relate to the removal of waste only, not making good any damage to the sites.
40. At paragraph four of their Witness Statement, "Resident A" describes how members of the unauthorised encampments 'cold call' on local residents offering to carry out tree works. Paragraph nine of the Claimant's Legal Services Manager, Tracey Wilson's witness statement also records a Test Valley Borough Council customer reporting unauthorised campers 'touting for business', asking residents if they wanted trees to be cut.
41. The following paragraphs list some examples of unauthorised encampments where significant quantities of fly-tipped waste have had to be cleared by Test Valley Borough Council.
42. Test Valley Borough Council records show that on 13<sup>th</sup> April 2018 members of the Bowers family set up an unauthorised encampment at Churchill Way West (next to Brittax) in Andover. The encampment was on the Second Claimant's land who dealt with the encampment, however the First Claimant undertook to clear the waste from the site once the encampment vacated.

Exhibits LC1 and LC2 to the Witness Statement of the Claimant's Environmental Services Officer, Lorraine Cooper show part of the encampment in situ and the fly-tipped tree cuttings after the encampment had moved on. At Exhibit BH1 of his statement Ben Hamilton records that Test Valley Borough Council removed one tonne of waste and that it took two officers a total of twelve man-hours with a van and a tractor to clear the waste at a man-hour cost of £447.50.

43. From 30<sup>th</sup> April 2018 to 2<sup>nd</sup> May 2018 a large convoy of caravans took occupation of part of the Claimant's car park next to the Waitrose store in Romsey in the south of the Borough. I exhibit hereto marked "KD8" photographs of the encampment in situ. When the encampment moved on, the Council attended and removed waste weighing 300kg which took an hour at a cost of £37.25
44. From 21<sup>st</sup> to 28<sup>th</sup> May 2018 an encampment was established at Megallen Close, Andover on the Second Claimant's land, adjacent to the Abel and Cole building. The second Claimant served notice and the Claimant carried out the clear-up after the encampment had left. Records show that two sections of herras fencing belonging to Test Valley Borough Council were broken and tree cuttings and household items were dumped on adjoining Test Valley Borough Council land and that ten man-hours with a tractor and van at a cost of £372.50 were required to clear six tonnes of waste.
45. On 18<sup>th</sup> July 2018 Lorraine Cooper attended an encampment at Old Down Road, Andover which she described in her evidence as an open space area with goal posts for local children to use. Exhibited to her Witness Statement at LC3 - LC8 are photographs of the site showing that the goal posts had been broken, bonfires lit, litter and household refuse left and a large quantity of garden waste (large tree cuttings) fly-tipped at the location. Ben Hamilton's Witness statement records that Test Valley Borough Council removed 5 tonnes of waste from the site with five officers, a van and a tractor taking 14 man hours to clear the site at a cost of £521.50.
46. On 24<sup>th</sup> July 2018 police report 44180280219, records a resident reporting a fly-tip in progress at Old Down Road Andover of tree branches and rubble being emptied off the back of a truck. The resident shouted out of the window asking them to stop but did not want to go out. When the occupiers left the location on 13<sup>th</sup> August 2018 the police records note that there is a "fair amount of green waste dumped in several locations around the green which will require removing".

47. On 24<sup>th</sup> July 2018 a resident also reported to the Claimant via its 'My Council Services' reporting facility that a fly tip had been witnessed at circa. 3pm at Old Down Road from a tree surgeon with an open backed van.
48. On 25<sup>th</sup> July 2018 Lorraine Cooper gives evidence that she inspected the land at Old Down Road and describes in as being in a clean and well-kept condition. On the 3<sup>rd</sup> August Mrs Cooper again visited the site and noted a pile of garden waste near the footpath entrance. On 7<sup>th</sup> August 2018 Mrs Cooper describes visiting the site and finding it in an 'awful state'. She describes household and commercial waste and the area smelling very strongly of faeces to the extent that a Community Protection Notice was served. Ms Cooper exhibits to her witness statement at LC6, LC7, LC8, LC15, LC16 and LC17 photographs of the fly-tipped garden waste at the site which comprised a large volume of tree cuttings including entire tree branches.
49. On 16<sup>th</sup> August 2018 Lorraine Cooper attended Test Valley Borough Council-owned open space known as Charlton Sports and Leisure ground, Andover where members of the Bowers and Loveridge families had set up camp. Ms Cooper took photographs which she exhibits to her witness statement at LC18 –LC19. Again, these images show a large amount of green waste comprising tree-cuttings. Ben Hamilton's records show that 6 tonnes of waste was removed by five operatives with a van and a digger taking fifteen man-hours at a cost of £768.75 including £210 for digger hire.
50. On 21<sup>st</sup> August 2018 the Claimant received a complaint from a member of the public that large chunks of wood were being cut in an industrial cutting machine at Saxon Fields open space, Andover where members of the Loveridge, Sines and Stevens families were unlawfully camped. Lorraine Cooper visited the site and exhibits to her evidence a photograph of part of the encampment at LC20. The Claimant's Legal Services Manager, Tracey Wilson references the complaint at paragraph ten of her witness statement.
51. In September 2018 Lorraine Cooper attended land at Churchill Way, Andover after an unauthorised encampment (including Mr Bowers) had left and took photographs of the fly-tipped waste which included some sort of stainless steel cabinet or device. She also photographed the remains of a fire on which various items seemed to have been burned, leaving remnants of metal parts. Ms Cooper also notes that the hedgerow had also been scorched by the fire. These photographs are exhibited at LC21 and LC22 of her witness statement.
52. The Bowers family returned to Churchill Way, Andover from 28<sup>th</sup> October – 6<sup>th</sup> November 2018. Lorraine Cooper visited after they had left and exhibits to her witness statement at LC23– LC 25 images of what she found there which

included a large quantity of garden waste, again, large seemingly freshly cut tree limbs, what appears to be a pile of wood chips, a wooden pallet, carpet, table, chairs, barbeque, blanket and bagged waste.

53. On 22<sup>nd</sup> May 2019 the police record a report (4419176124) of a witness to a fly-tip at Augusta Park at Smannell Road, Andover of trees and shrubbery being discarded into bushes, several pockets of rubbish dumped in the hedgerow, several black bags and tree cuttings and damage to grass from a bonfire.
54. On 25<sup>th</sup> and 28<sup>th</sup> May 2019 this Council received reports of unlawful deposits of waste at land in the vicinity of Saxon Heights, Andover. The report records rubbish, tree branches, and a gas canister as being tipped. The Council's Street Cleaning team records removing a tipper load of garden waste, a wheelbarrow, gas bottle, large gazebo and bags of household waste. As a result of the witness evidence of this fly-tip Test Valley Borough Council was able to bring a successful prosecution against Mr Henry Loveridge. Mr Loveridge (who was legally represented) pleaded guilty at Basingstoke Magistrates Court on 18<sup>th</sup> March 2020 to an offence under section 24 of the Environmental Protection Act 1990. I exhibit hereto marked "KD9" copies of photographs from the prosecution file showing the waste. This was unusual in that a witness was prepared to come to court and give evidence. Witnesses are generally unwilling to come to court in these circumstances. Prosecution lawyer Tracey Wilson makes further reference to his case at paragraph twelve of her witness statement.
55. It is of note that the Council has also secured a conviction against Albert Bowers, a named Defendant to these proceedings. On 1<sup>st</sup> August 2019 at Basingstoke Magistrates Court Albert Bowers pleaded guilty to two charges under the Control of Pollution Act 1989 relating to transport of controlled waste without being a registered carrier and was fined.
56. In June 2019 Lorraine Cooper records attending public open space at Roman Way, Andover just after an unauthorised encampment including members of the Smith and Loveridge families had vacated the site which they occupied from 18<sup>th</sup> -19<sup>th</sup> June 2019. Ms Cooper exhibits seven photographs to her witness statement at LC27-LC33 showing the condition of the land, including grass scorched by a bonfire and fly-tipped waste of an empty cardboard chainsaw box, several bags of domestic waste and tree and hedge cuttings. The statement of Ben Hamilton shows that the Council cleared the waste, it took two officers with a tractor and a van eight hours to clear the site of 2.5 tonnes of waste at a man-hour cost of £306.

57. From 5<sup>th</sup> -7<sup>th</sup> August 2019 a particularly large encampment occupied open space and football pitches at Picket Twenty, Andover. Lorraine Cooper describes visiting the land after the encampment had left. This was encampment of comprised 44 vehicles and over one hundred individuals. Hampshire Constabulary used their powers under s61 of the Criminal Justice and Public Order Act 1994 on this occasion to move the encampment on. The occupants had sawed through a barrier to gain access to the site. Police records (44190276133) show littering and fly-tipping of waste. Lorraine Cooper exhibits to her statement at LC34-LC38 photographs of the fly-tipped waste left at the site. The photographs show the large scale of the tree-cuttings left behind at which include tree trunks and large branches. Some of the cuttings are left on the sports pitches and guttering and pieces of wood are also evident. Some of the waste is left across a fence, damaging the fence. Boyce Jeffrey, the Council's Senior Countryside Officer also exhibits to his witness statement at BJ18 & BJ19 photographs of the camp and fly-tipped waste he encountered at the site. Ben Hamilton gives evidence that it took five officers with two tractors and a van 43 man-hours, to clear 7 tonnes of waste from the site at a cost (including damage repair) of £1,644.75.
58. From 21<sup>st</sup> – 29<sup>th</sup> August 2019, an encampment was established on privately owned land at Babbage House, Andover on one of Andover's industrial estates. The site owner took legal action and cleared the site. Lorraine Cooper visited the site and exhibits to her witness statement at LC34-LC39 photographs of the site which show a large amount of bagged waste, food waste, electrical parts, building materials and used toilet paper.
59. From 29<sup>th</sup> August 2019 – 3<sup>rd</sup> September 2019 an unauthorised encampment was established by the McDonagh family at Test Valley Borough Council's unoccupied locked unit Plot 35 on Walworth Industrial Estate, Andover. Many of the vehicle index numbers match those at the Babbage House encampment above. The lock was broken off the gate, the individuals gained entry and then locked themselves inside with their own padlock. Once the encampment had moved on, Lorraine Cooper returned to the site and photographed the condition of the land. Those photographs are exhibited at LC61-LC65 and show bags of waste, a seat from a vehicle, household waste, cans and food packaging.
60. The McDonagh family moved on (via a brief stay at Water Board land in Andover from which the police moved them on under threat of use of s61 powers) to open space land at Saxon Fields, Andover From 3<sup>rd</sup> September 2019, cutting off the defensive 'dragon's teeth' in order to get on to the site. On 9<sup>th</sup> September 2019 Test Valley Borough Council's Ian Hodson, Street Cleaning Operative, attended the site with colleagues to clear waste. Mr Hodson exhibits to his witness statement at IH01- IH03 photographs of the



bagged 1000 kg of waste cleared. He describes the waste as general household waste, including nappies, human faeces and used toilet paper. Mr Hodson describes returning on the 14<sup>th</sup> September 2019 and removing a further 500kg of waste. Ben Hamilton records the cumulative cost of the nine man-hours required to carry out this clearance as £344.25

61. Between the 17<sup>th</sup> -19<sup>th</sup> September 2019 Test Valley Borough Council recorded an encampment including the McDonagh family of twelve adults and seven children and 15 vehicles is recorded at Smanell Road, Andover. Clearance of the site took four man-hours at a cost of £153.00 and was carried out by one Council Officer with a van. 500kg of waste was removed from the site.
62. From 20<sup>th</sup> to 26<sup>th</sup> September 2019 members of the Loveridge and Ayres families were encamped on Test Valley Borough Council land comprising green space adjacent to a children's playground at Casterbridge Lane, Weyhill, Andover. After the encampment had moved on, the Council's Street Cleaning Team removed 3 tonnes of waste. This took ten man-hours for a tractor with operative and three officers with a van. I refer the Court to the exhibits LC53-LC60 of the Witness Statement of Lorraine Cooper which show the encampment in place and the items left on site after vacation which included bags of household waste, a wooden structure, plastic chairs, a Calor gas bottle and tree cuttings.
63. The proximity of the waste to the play facilities is demonstrated in some of these photographs. I have been provided with an email report from a local business owner who wishes to remain anonymous for fear of reprisal who describes the lock being cut to gain access and then the gate post being cut down to admit a larger caravan. I am told that several local business reported various materials going missing and fences being damaged along with hedge and tree cuttings being dumped, the aftermath is described as an 'incredible mess'. The burning of cables is described and photographs provided of lengths of cables dumped in the shrubbery, screws scattered on the grass and cuttings dumped in the hedgerow. I exhibit these photographs marked **"KD10"**
64. On 3<sup>rd</sup> of March 2020 an encampment of the Bowers and Loveridge families set up at Greenwich Way, Andover. Police records show Frank Loveridge, Tammy Bowers, Margaret Bowers and Albert Bowers as the adults on site. Following vacation of the site, Lorraine Cooper visited and exhibited to her statement at LC76-LC86 are photographs of the waste left behind which include household waste, bottles and cans, a burnt out pallet, carpet, tree cuttings and vehicle batteries.

## Threats/intimidation

65. The evidence submitted in support of this application sets out, from numerous witnesses, instances where threatening or intimidating behaviour has been exhibited by those making up or associated with the unlawful encampments. The majority of the encampments detailed in this application occur on green spaces within settled communities.
66. In the period from 16<sup>th</sup> April 2018 – 14<sup>th</sup> November 2019 the Customer Service Unit at Test Valley Borough Council received one hundred and eight reports of issues relating to unlawful encampments. This figure comprises reports direct to the Council's Customer Service Unit and does not include reports made directly to Officers or whose initial contact was by means other than Customer Services. Tracey Wilson exhibits a redacted copy of a record of these complaints to her witness evidence marked TAW1.
67. First hand witness evidence is given of instances of intimidating behaviour and its impact, along with reports made to the Council by members of the public affected by such behaviour. Council officers have also themselves experienced intimidating behaviour. Some examples of instances of intimidating behaviour are set out in the following paragraphs.
68. At paragraph 4 of his witness statement, Test Valley Borough Council Animal Welfare Officer Rod Mason describes how on 6<sup>th</sup> July 2018 he was trying to engage with the encampment at Churchill Way West, Andover about their dogs which were in the full sun without water. Rod Mason describes the individual he spoke to as getting angrier as he tried to instruct him about the dogs and the individual said "I am being grassed on, snitches get stitches" and shouted abuse. Rod Mason returned later the same day to check on the dogs and describes being met with verbal abuse throughout the visit as he removed the dogs to take them to the vets as they remained in full sun. He returned the dogs later accompanied by the police.
69. On 26<sup>th</sup> July 2018 a nearby resident confirmed to Lorraine Cooper that he had lived nearby for four years and that on Tuesday that he heard loud noises from the rear of his property coming from the encampment at Old Down Road, that he could hear the generator from his house at night time between 9.30 and 10pm when walking his dog and he could hear noise when watering his garden.
70. On 12<sup>th</sup> April 2019 Police records (report 44190126094) show a complaint relating to the Bowers family encampment at Churchill Way West, Andover. The report describes an informant reporting a young male (10-12 years old)

hitting golf balls into the traffic using a golf club which bounced off the complainant's wife's windscreen but thankfully caused no injury or damage. The young boy is reported to have run back into the encampment having hit the car with the ball.

71. Police records reveal an incident of criminal damage relating to this encampment. On 11<sup>th</sup> April 2019 at 23:23 hours a witness reports driving on Churchill Way, Andover and was faced with a traffic cone in the road. He stopped his car and got out to move the cone and was approached by two males from flatbed trucks parked by the road – one of the males reached for the car door and held a metal bar in his other hand. The witness managed to get in the car and drive off, there was a bang on the driver's door and the rear window was smashed as he drove off. When the police arrived at the scene Joey and Michael Bowers were sitting in the truck. The police report (44190126094) exhibits pictures of the criminal damage.
72. From 23<sup>rd</sup> to 24<sup>th</sup> May 2019 members of the Loveridge family set up camp at Smannell Open Space, Andover. Police reports show a report of dangerous driving in the grassy play park area 'driving all over the grass and all around a group of children'. The witness did not take their daughter to the park because of this.
73. On 24<sup>th</sup> May 2019 the police report (44190179128) in respect of the encampment at Roman Way, Andover records a caller reporting concern at having seen a young male shooting pigeon out of a tree with sling shot, killing the bird which he then threw in a bush.
74. On the 5<sup>th</sup> August 2019, Police report 44190276133 relates to the encampment at Picket Twenty Sports field (this is the encampment where the Police ultimately used their s61 powers). A resident is recorded as reporting quad bikes and off road bikes being driven dangerously around the site. Police report 44190276410 records how a member of the public was attacked and bitten by a dog from the encampment. The dog latched onto her foot and she had to wrap a garment around her arm to push the dog off. Two disabled residents approached police to say they felt intimidated.
75. On 12<sup>th</sup> of August 2018 the Council received a report from a resident of children from the encampment at Charlton Lakes, Andover killing pigeons with marbles which were then aimed at golfers on the golf course. The resident reported that poles and flags were taken off the golf course by some of the younger members of the unlawful encampment, attempted thefts from the shop, that a fire had been lit and vehicles were being driven fast along pathways. A further report was received by the Council from a resident asking

when the encampment will be moved. 'Children are quite noisy at night and I am wondering when they will be moved on'.

76. A report to the Police in the 14<sup>th</sup> August 2018 also sets out how members of the encampment were shining torches into the trees and firing catapults at pigeons. A golf ball and stones were reported as hitting a nearby property.
77. On 16<sup>th</sup> August 2018 a yet further report in respect of the Charlton Lakes encampment was received via the "My Council Services" enquiry facility - 'Travellers on Charlton park path have lit a fire with flames going up to 8 ft at times lots of litter which resident has been picking up". A police report of the same day (44180370583) reports a resident receiving verbal abuse from two females at the encampment when challenged about their fire. The resident also reported that members of the encampment were exiting the green via a pedestrian path and a gate which they had taken off its hinges. The resident describes having to 'hammer' her mobility scooter to get out of the way of a dark vehicle. She says she "felt moderately threatened by them. I felt alarmed enough that I had to distance myself. I am registered disabled, use a mobility scooter and have an assistance dog".
78. On the 6<sup>th</sup> August 2019 the council recorded a complaint to by a resident "complaint regarding the travellers that have parked their cars and other vehicles on the sports field at Picket Twenty, Andover. At this moment in time several members are riding quad bikes over and around the football fields, the car park by the changing rooms and the area around the cricket pitch, the noise from these vehicles can be heard from where I live."
79. In her Witness Statement Legal Services Manager Tracey Wilson describes a resident's report of the encampment at the entrance to Charlton Park being intimidating with dogs off the lead chasing other dogs.
80. A further report received on that day records "that travellers have moved onto Picket Twenty sports ground again. Litter is blowing around and some are riding mopeds and quad bikes at high speeds on the footpaths and grassy areas. As it is the school holidays there are a number of youngsters with their families from Picket Twenty area walking and playing in the area which could be a risk with these quadbikes/mopeds."
81. On 30<sup>th</sup> August 2019, Test Valley Borough Council Senior Countryside Officer Boyce Jeffery records in his witness statement that whilst attending the above site to serve notices of direction to leave the land and a CPN warning notice that whilst on site, his manager Kevin Harrington was bitten on the ankle by a small dog.

82. Police reports (44190314300) of activity from 3<sup>rd</sup> September 2019 at the Saxon Fields encampment (the McDonagh family) document harassment of people using playing fields. An informant describes seeing a vehicle ramming the wooden gate post in order to get on to the field. Residents report feeling intimidated. A further public order incident is recorded where a dog-walker asked one of the campers to put their dogs on a lead as they were sniffing around and barking at his own dog. The male replied that he “wasn’t going to put them on a fucking lead” and continued “f’ing and blinding” and threatened to “punch his face in”. This happened in front of the informant’s two children aged ten and eight. The informant walked off and the male shouted after him.
83. On 6<sup>th</sup> September 2019 a complaint was received by Test Valley Borough Council that “there are a group of travellers that have parked themselves up in a field at Saxon Fields, Andover and are impacting on the dog walkers that that rely on that field to walk their (and my own) dog around. Not only that but they have generators which are creating a lot of noise.” Police reports also record theft from a local café, rocks being catapulted at the café and into the lake and that two ducks has been killed. There is a dangerous dog police report the following day where a dog was barking at the son and daughter of a member of the public, to the extent that they had to pick up their own dog and carry it, the other dog pulled at the son’s trousers and tried to bite. The son describes it as being a scary situation and that his young sister was also scared.
84. In their witness statement, “Resident B”, who wishes to remain anonymous describes how they live near Saxon Fields and speaks of the unauthorised encampments which occurred in the area at the end of August and September 2019. The resident describes being unnerved early one morning by a female from the camp wandering in the residential close. The encampment was moved on but returned ‘a couple of weeks later’ where they describe the anti-social behaviour as being worse. They describe washing lines being strung across a public footpath. The resident was further unnerved by campers turning up in the residential close for no apparent reason and driving in in their cars, turning round and driving out again. Resident B and a neighbour felt it necessary to park a car on an empty house’s driveway to make it look as if the house was occupied.
85. Resident B describes the situation as stressful and intimidating. She says she is often home alone whilst her husband travels and she reports not feeling safe in her own home while the encampment was in situ and she wrote to Test Valley Borough Council expressing this fear. She also felt unable to leave her dog in her home when she went out and felt the need to have a neighbour care for the dog instead. When the encampment returned a third time, in October 2019, Resident B describes members of the encampment

again entering the Close and a neighbour photographed two campers sitting on the kerb in the Close on 2<sup>nd</sup> October 2019.

86. "Resident C" who again wishes to remain anonymous for fear of reprisal describes events surrounding the unauthorised encampments at Elbe Way and Cuxhaven Way (Saxon Fields) in September 2019. She describes she and her daughter being frightened by a child screaming, dogs barking, car doors slamming and raised male voices. She describes having to accompany her daughter along the footpath next to the camp next morning 'as they were intimidating' and her daughter was nervous. Resident C reports seeing members of the camp driving in and out of nearby cul-de-sac at speed, driving onto the driveways of private houses and walking around the road. She says there was no reason for the individuals to be there as it is a dead-end road.
87. Resident C describes abandoning plans for a trip away as she was worried about leaving her house unoccupied and described how the local shop was forced to close as the shopkeeper felt intimidated and residents therefore lost their convenience store. Resident C describes the arrival of unlawful encampment as bringing stress. She feels intimidated and is worried about thefts and her safety and the safety of her pets. She says the noise disrupts sleep and daily life and that the feeling of being safe and secure in her own home disappears when an unlawful encampment arrives and that life becomes unbearable.
88. On the 9<sup>th</sup> September 2019 Test Valley Borough Council Animal Welfare Officer Rod Mason attended an unauthorised encampment in Andover. Paragraphs 8-14 of his witness statement record events. A puppy had been handed in to local vets with the serious and highly contagious parvovirus. The puppy (which died) was found near the encampment, Rod Mason knew there were dogs at the camp so he visited to warn about the parvovirus and give advice about vaccination. He attended with police and reports being sworn at "I wouldn't hang around if I was you" and "fuck off" and the campers were making sudden gestures towards him as if to try and make him flinch. Rod Mason records speaking to people in the car park who told him that they were intimidated by the encampment so as to not use the car park and that they were concerned about the amount of rubbish including excrement and broken glass.
89. Police report 44190330965 of 16<sup>th</sup> September 2019 records complaints about the encampment at Picket Twenty, Andover a caller records hearing 'the travellers making threats to people that if they call the police their houses will be done over'. A caller reports abuse being shouted at residents using 'foul and abusive language and telling them that they deserve to be there'.

90. On 17<sup>th</sup> September 2019 a report was received by Test Valley Borough Council from a resident complaining about rubbish and aggressive dogs. The complaint reads 'travellers have once again embarked on Andover. They were parked up on the YMCA Field (Augusta Park) and have now been moved on to Roman Way. Whilst walking our dog earlier, a small dog approached from one of the caravans and was very aggressive towards my dog. It was not under any restraint or with an owner. And they have also left lots of rubbish once again'.
91. On 20<sup>th</sup> September 2019 Countryside Officer Boyce Jeffrey records that when visiting the encampment at Casterbridge Lane, Andover, he spoke to three residents who voiced concern about the encampment and had concerns about their own properties, including one resident who advised that he had cancelled his weekend away for fear of leaving his property unoccupied. Boyce Jeffrey was also bitten by one of the site dogs which he received treatment for. He also records receiving five written complaints regarding the encampments relating to theft of fencing, CCTV camera, astro-turf and complaints of fires on site.
92. On 27<sup>th</sup> September a local business owner who wishes to remain anonymous described that various companies had noticed missing items following the encampment. He describes in an email to the Claimant that 'during their stay they have caused severe worry to local residents and businesses due to their general disregard and lack of respect for the local community...this has been a terrible time whilst they were here because no one knew who was the next target. The considerable clean-up operation since they have left just shows the wanton destruction of what was a pivotal part of the local environment and community. The effects on the local community will be felt for a long time to come because of the fear that they will be back'.
93. On the 29<sup>th</sup> September 2019 PC Potterton describes attending the athletics track, Portway Industrial Estate (Charlton) – he records speaking to a number of males, explaining they were not welcome on the track. He describes the group as being difficult and attempting to intimidate him in his decision making. He also describes a theft from a local McDonalds drive-through restaurant relating to a vehicle that subsequently arrived at the athletics track site.
94. On 29<sup>th</sup> September 2019 an encampment was established at Saxon Fields (Elbe Way) open space, Andover. A resident reported to Test Valley Borough Council that "approximately 20 caravans had arrived causing criminal damage to enter the field. Due to the rain, the grass will now be churned up and ruined and we as residents are too frightened to walk across the field to the shop and amenities. The constant noise of generators, dogs, cars, and

voices is now going to mean sleepless nights once again. We have only had two weeks of peace since they were eventually evicted last time leaving litter and mess behind. This local amenity is meant for local residents use and cannot be accessed at the moment due to fear. This ludicrous situation cannot be allowed to continue and needs to be brought to a conclusion as a matter of urgency". Police and vehicle keeper records show vehicles registered to Patrick McDonagh and Paul Cookson included in this encampment.

95. On 30<sup>th</sup> September a report was made to the police regarding threats made to a member of the public from a male at the encampment. The informant was waiting for her child's school bus and using the zoom function on her camera to see what breed of dog was standing by the gate to the site. A male approached her and demanded she delete the picture and wouldn't believe her when she said she had not taken a picture and became very aggressive and angry. Once the informant collected her child off the bus, she started to drive home and noticed the male –now with another- was following her in a car. She took a detour and lost them and was very upset and shaken by the episode.
96. From 28<sup>th</sup> September to 1<sup>st</sup> October 2018 an unlawful encampment took occupation of the Alma Road car park in Romsey. Police reports show an individual believed to be from the encampment caused problems with staff and customers at a nearby business on two occasions over two days, affecting business and causing the business owner to refuse to serve him. The owner describes being "literally scared". On the same day, Police records show a group from the encampment becoming aggressive and making threats to return in a bigger group when refused entry to a local pub.
97. On 2<sup>nd</sup> October 2019 police received a report from a member of the public that her son had been "chased by a vehicle containing a group of suspected travellers" following a disagreement about removing bollards to Saxon Fields. It is reported that during the chase he fell off his bike and was injured and that the occupants of the vehicle shouted threats before driving away.
98. 12<sup>th</sup> October 2019 two Saxon Fields residents submitted written evidence recording them witnessing a group from the encampment causing criminal damage to the trees opposite Borkum Close. They described the occupants "as snapping the branches off the trees" to make it easier for them to get their caravans off the field. They go on to describe the campers parking on the road in Elbe Way making it difficult for other cars to drive up or down Elbe Way and that they left at about 7.15pm.



99. On 28<sup>th</sup> October 2019 an unauthorised encampment was established at Pioneer Way, Andover. Police records show that two females from the group 'tailgated' a deliver driver into a local business premises, refused to leave and stole several drinks. A can of soft drink was thrown at a staff member but it did not hit them. The incident was registered as common assault. One of the females threatened to 'key' the member of staff's car and threatened to get her husband to beat them up. The police report describes the occupiers becoming hostile towards police when trying to negotiate with them to leave.
100. Test Valley Borough Council Animal Welfare Officer Rod Mason's witness statements describes how on 3<sup>rd</sup> March 2020 he was asked by the police to attend an encampment in Greenwich Way, Andover. He found three dogs roaming loose. He took possession of two of the dogs. The third was aggressive. Rod Mason was aware that dog had bitten three police officers. He took the stray dogs to the Council's contracted stray dogs kennels. He received verbal abuse on the telephone from the dogs' owners Margaret and James Bowers and ultimately had to hang up. He spoke to the Bowers the next day and explained release fees would have to be paid for the dogs and prepared a notice under section 149 of the Environmental Protection Act and a CPN warning notice. He received verbal abuse when serving the notice. The kennels staff subsequently told Rod Mason that the Bowers had refused to give their details and had been extremely abusive to the young female staff made some very serious threats. Rod Mason reported this to the police and advised the kennel staff to do likewise.

### **Risk to Public Health-untreated human waste**

101. A common problem of unauthorised encampments is that of proper sanitation and in particular how toilet waste is dealt with. Whilst it is not the case for all such encampments, it is unfortunately a recurring theme that those setting up such camps may urinate and/or defecate in the open or otherwise cause human waste to be left behind at encampment sites. This clearly constitutes a threat to human health. I set out some examples below extracted from the evidence supporting this application where human waste has been encountered at or after unauthorised encampments. Many of the encampments in Andover are within the town boundaries, on green spaces or sports facilities near residential areas which makes it all the more concerning and more likely that residents may come into contact with discarded human waste.
102. On 17<sup>th</sup> August 2018 Police records (44180304639) show a complaint from a resident that men and youths from the camp at Charlton Sports Centre, Andover were using the wooded area as a toilet.

103. During the encampment at Picket Twenty, Andover commencing on 5<sup>th</sup> August 2019, police records read “I have photographed human waste and toilet paper being deposited in open grass area, littering and fly tipping of garden waste. The encampment is less than 24 hours old, I expect this to increase significantly if they are allowed to remain on site”.
104. In her witness statement, Test Valley Borough Council Environmental Services Officer Lorraine Cooper describes visiting the encampment at Old Down Road, Andover on 7<sup>th</sup> August 2018 and says the area smelt strongly of faeces. She served a Community Protection Notice including prohibition on fly tipping and defecating in public places or on land belonging to others.
105. At paragraph 10 of her Witness Statement Tracey Wilson records a report from a resident on 20<sup>th</sup> August 2018 of the unauthorised campers at Charlton Park throwing toilet waste into the river.
106. From 21<sup>st</sup> – 29<sup>th</sup> August 2019, private land at Babbage House, Andover was unlawfully occupied. Test Valley Borough Council Principal Environmental Health Officer Lorna Taylor visited the site following a complaint from a nearby resident. Lorna Taylor noted that ‘rubbish and dirty nappies were strewn along the boundary area and there was a notable smell of urine.’ Mrs Taylor describes that there was a ‘clear impact from the site of smell, litter/rubbish and noise’. She concluded that the odour was currently an annoyance but foreseeably this would get worse and would attract vermin and flies.
107. At paragraph 4 of their witness statement “Resident A” confirms witnessing ‘children going to the toilet in the tree lined area’ at the Charlton Complex, Andover and that after the encampment left the area was ‘awash with litter and human waste’.
108. Lorraine Cooper describes attending open space at Roman Way Andover in June 2019 and photographing the waste left which included “toilet roll which had been used and left at the site”.
109. On 6<sup>th</sup> August 2019 the Claimant received a report of a female from the encampment at Picket Twenty Sports Field being seen to defecate in the hedge along with toilet paper being seen throughout the area. This report is exhibited to Tracey Wilson’s witness statement and referenced at paragraph 14 thereof.
110. Test Valley Borough Council Environmental Services Street Cleaning Supervisor Ian Hodson describes at paragraph 2 of his witness statement

that he collected waste from Saxon Fields open space on 9<sup>th</sup> September 2019 “including nappies, human faeces and used toilet paper we also had to remove waste that had been thrown up into the trees around the Children’s playground area this waste was nappies and food waste”.

111. In August 2019 Lorraine Cooper visited Babbage House after the unlawful encampment had vacated and says at paragraph 10 of her witness statement “this location was full of food waste packages, food waste, toilet roll used and scrap metal”.

112. On visiting the Casterbridge Lane site after the camp had moved on, on 26<sup>th</sup> September 2019 Lorraine Cooper observed and photographed (exhibited to her statement LC55-LC58) human excrement - she describes “in various pockets on the open space used toilet roll was left along with human faeces”. The encampment was next to a children’s play park. The local business owner who has provided evidence yet wishes to remain anonymous also reported the Casterbridge Lane campers “defecating through the tree line and urinating on the paths”.

113. In October 2019 Lorraine Cooper observed and photographed human faeces left at the Saxon Fields site after the encampment had moved on; “human faeces and used toilet roll were found on the open space”. Photographs are exhibited at LC67 and LC72.

114. In her Witness Statement of 12<sup>th</sup> May 2020 Lorraine Cooper describes how on 6<sup>th</sup> March 2020 she was made aware that the unauthorised encampment had moved on from Greenwich Way. At paragraph 36 of her witness statement she records how she found human faeces and used toilet roll at the site along with other waste. Photographs are exhibited at LC 76 to LC78 inclusive.

115. In his witness statement Test Valley Borough Council Street Cleaning Operative Dominic Harding describes clearing the site at Greenwich Way, Andover on 4<sup>th</sup> March 2020 and describes at paragraph 4 “the whole area that the encampment is sited was full of litter and waste including toilet roll and human faeces”.

### **Damage**

116. In addition to the fly-tipping, rubbish and waste regularly left at the sites of unlawful encampments, physical damage to property is also often caused. Frequently, and increasingly, the occupiers will gain entry to sites by cutting through fences, gates or barriers sometimes using power tools or vehicles.

There has been a marked increase over time in the brazen nature of these methods of attempted entry, showing complete disregard to the property of others. There are often witnesses to these acts of criminal damage yet witnesses are reluctant to give evidence for fear of reprisal. These acts of damage are rectified by and at the cost of the landowner and in the case of the Claimants, by the public purse. I set out below some examples of where damage to property has resulted from persons breaking onto Council or other land.

117. On the 23<sup>rd</sup> June 2018 a police officer witnessed three males breaking into the building at Walworth Industrial Estate, Andover. The occupants had locked the gate and left a note saying they intended to occupy the site. This is a Council owned site and the Council secured it after the individuals left.
118. Lorraine Cooper records in her witness statement that that following the encampment at Old Down Road, Andover in July 2018 local children's goal posts were broken and grass burned by a bonfire.
119. Police records (report 44180304639) of 11<sup>th</sup> August 2018 show that a padlock had been broken off the entrance gate to gain entry to the Andover Charlton Sports Centre site. A photograph of the gate is exhibited to the police record.
120. Those who occupied land at Picket Twenty, Andover from 5<sup>th</sup> to 7<sup>th</sup> August 20219 broke the perimeter fence to gain entry. Police photographs to report 44190276133 show photographs of the broken fence and points of entry. The records read that "it would appear that panels of the wooden fence have been broken and removed from the ground".
121. In August 2019 Lorraine Cooper describes and exhibits photographs of a large quantity of fly tipped waste after the encampment had left Picket Twenty, some of which was dumped across a fence line, destroying the fence. Exhibit LC35 to her witness statements shows this damage.
122. On 17<sup>th</sup> August 2019 a Council customer reports the unlawful encampment as having dug holes into the land on which they were camped at Smannell Road, Andover to place the wheels of their trailers in.
123. On 29<sup>th</sup> August 2019 a resident in the vicinity of Babbage House, Andover reported to police seeing occupants cutting through padlock with a saw. A report of criminal damage was also made in relation to a neighbouring property's fence.

124. On the 3<sup>rd</sup> September 2019 Police reports show a caller reporting that he had “seen a dark Ford Transit vehicle ramming the wooden post to get onto the field next to Saxon Stores”. A further five callers to the police reported the fence being broken down to access the land.
125. In his witness statement Senior Countryside Officer Boyce Jeffrey notes that on 4<sup>th</sup> September 2019 he visited the Saxon Fields unauthorised encampment site and noted that “the dragons’ teeth (upright wooden posts) had been cut off at the base allowing access to the land”.
126. Boyce Jeffrey goes on to describe in his witness statement that he visited the Test Valley Borough Council-owned Casterbridge Lane site on 20<sup>th</sup> September 2019 when the unlawful occupiers were in situ and noted that the padlocked five-bar gate had been cut off which had allowed access to the land.
127. On 29<sup>th</sup> September 2019 unlawful occupiers including members of the McDonagh family moved onto the Charlton Athletics track in Andover. Damage was sustained to the piping to the running track and a set of stairs was thrown over the barrier. Members of public turned up to use track and left. A group training also left the track due to encampment. Police describe ‘substantial damage’ to running track. A police officer notes that children from the encampment were being encouraged to damage the white inner ring of the running track. Boyce Jeffrey exhibits photographs of the encampment and damage to the running track at exhibit BJ35 to his witness statement. Photographs of the damage are also exhibited to police report 44190348097 and to the Witness Statement of PC Potter. This damage was sustained in a number of hours and these photographs which clearly show the lack of respect and disregard which the occupiers had to this local sports facility. A member of the public also reported to the police that members of the encampment were “trashing the running track”.
128. Later that day, in the evening, some of the occupants moved from the Athletics track to Saxon Fields Open Space. Boyce Jeffrey attended the site and observed that access had been gained by removing a “dragon’s tooth” which he describes as a piece of wood concreted into the ground to prevent vehicular access. A photograph showing the missing dragon’s tooth is shown within exhibit BJ 36 to Boyce Jeffrey’s witness statement.

### **Nuisance (noise/smoke)**

129. Complaints of noise and/or fire nuisance are also regularly received in respect of unauthorised encampments. Due to the transitory nature of those

making up unlawful encampments it is unusual for the Claimant's Environmental Health Team to be able to instigate its usual procedures in respect of, for example, noise or smoke nuisance. However given the proximity of the majority of encampments in the application area to residential areas, complaints have been received, some examples of which are set out in the following paragraphs.

130. In his Witness Statement Rod Mason, Test Valley Borough Council's Animal Welfare Officer describes having attended the majority of unlawful encampments which have occurred on Test Valley Borough Council owned land as a result of some concern being raised about animals on site, those concerns ranging from a reference on social media to a formal complaint. He describes dogs barking and running loose as the norm at unlawful encampment sites and describes generally being met with verbal abuse, intimidation and aggression when attending sites to investigate or offer advice.
131. The Police report of 24<sup>th</sup> July 2018 records a local resident reporting dogs barking and howling 'until 2.30am and again in the morning' at Old Down Road, Andover.
132. On the 13<sup>th</sup> August 2018 at the Charlton Sports Centre encampment, a resident reports to the police that 'unlawful campers were driving cars over pedestrian and cycle paths to access caravans. Some driving at speed. This is next to a children's play area where there are children on bicycles – concerns they could be struck'. Junior football was cancelled and the Park Run course had to be diverted.
133. On the 5<sup>th</sup> August 2019 the Council received reports that at Picket Twenty some caravans were parked on cycle path and a complaint is made to the police about noise from the site at night.
134. Boyce Jeffrey records in his witness statement that on the 16 August 18 complaints were received (exhibited at BJ4) of the Charlton Lakes site being (1) noisy at night; and (2) travellers have lit a fire going up 8 feet and lots of litter which complainant has been picking up.
135. On the 21<sup>st</sup> August 2018 the first Claimant received a complaint of children screaming and dogs (who were tied to trees) barking constantly throughout the night at the encampment on Saxon Fields. Tracey Wilson exhibits the complaints to her witness statement and references this particular complaint at paragraph ten.

136. On the 28<sup>th</sup> May 2019, the Claimant received a complaint of the encampment at Smannell Road causing noise and fire pollution, loud music and barking dogs. This report is referenced by Tracey Wilson in her witness statement at paragraph 13 and exhibited at TW/1
137. On 5<sup>th</sup> of August 2019 the Claimant received nine complaints in respect of the encampment at the Picket Twenty Sports Field including removal of wooden posts using a chainsaw, damage to fencing, riding around the park on quad bikes. The following day a further seven reports were received including a dog walker who was unable to access part of the park and who was faced with a car being driven up the footpath.
138. On the 19<sup>th</sup> of August 2019 a complaint was made to the police that noise overnight from the Babbage House encampment including animal noise was unacceptable.
139. 23<sup>rd</sup> September 2019 whilst Countyside Officer Boyce Jeffery was in attendance at the Casterbridge Lane encampment he noted a fire was burning on site giving off black smoke.
140. "Resident B" reports anti-social behaviour in September 2019 at the encampment at Saxon Fields, describing 'dogs barking, noisy arguments and shouting into the early hours on one occasion. They also report generators being noisy.
141. As set out earlier in this statement where encampments have set up on the Claimant's land, it has often been necessary take court proceedings to remove the occupiers from the land. The Council usually uses the Magistrates Court process provided for under sections 77 and 78 of the Criminal Justice and Public Order Act 1994 which involves service of a direction to leave, which if not complied with necessitates an application to the court with supporting witness evidence, service of any order obtained and enforcement utilising the services of a bailiff if the order is not complied with.
142. It is my experience that unauthorised campers are fully aware of the process the Council will have to follow to remove them from their land. The Council and Police are frequently met with the response that the encampment intends to stay put until an order is obtained or even until an order is enforced. Once an encampment arrives, it is often the case that several Council officers have to put aside their work to attend site to carry out welfare checks and gather evidence. It is not uncommon for two or three officers to spend two or three days almost exclusively on preparing for unlawful encampment removal. Witness statements must be prepared and

the court contacted to obtain a hearing date. Our local courts are very helpful and accommodating but obviously we are at the mercy of court listing. Then legal officers and witnesses will need to attend court to wait for and attend a hearing. Very often the occupiers will then move off at the eleventh hour after the cost and man-hours of obtaining a court order have been expended or, increasingly, waiting until bailiffs arrive to physically evict. Instruction of commercial Bailiffs puts the Council to further, substantial cost. Aside from the cost and man-hour cost of this, doing this work necessitates officers to put aside other urgent Council work to deal with the encampment.

143. In years 2018 and 2019 the First Claimant issued ten sets of proceedings using the section 77 & 78 procedure at a cost of nearly £10,000 which includes court fees and legal officer time. In this calculation legal officer time is included at a standard 3 hours per case including preparation and court time, which is conservative. Neither does it include the time of officers from the Environmental and Communities and Leisure Services for attending the sites, gathering evidence, liaising with the encampment, serving documents and attending court. This figure also does not include the cost of officer time in the further four cases where Notice of Direction to leave was served and the site was vacated before Court.
144. The Second Claimant confirms that its legal costs incurred as a result of unauthorised encampments in 2018 and 2019 is £3,558.60
145. The position adopted by the travellers and two sets of families in particular can be shown by events towards the end of 2019 when both families hopped from site to site within Andover. As soon as an order requiring vacation was obtained, then they would move to a slightly different portion of land, not covered by the order to the great concern of the public. I ask this Honourable Court to note that these encampments were all within the urban structure of Andover; not in the surrounding countryside. They were all close to residential areas, often on green space provided for community amenity for example playing fields or green space on a housing development.
146. The Claimant has also incurred costs in making good damage after unauthorised encampments have damaged infrastructure to gain entry to sites and reinforcing those sites. In 2019 the Council spent £62,100 repairing and reinforcing fences, gates and barriers at Saxon Fields and Picket Twenty Andover and fencing and installing earth bunding at Smannell Road and Saxon Fields, Andover.
147. As has been seen, Ben Hamilton, Street Cleaning Manager at the first Claimant, gives evidence in support of this claim. He describes how his team clears up after unlawful encampments have left. Mr Hamilton's



statement also sets out the number of Council operatives who attended the site, the number of man-hours the job took and the weight of waste removed. He exhibits to his statement a schedule showing clean-up costs for years 2018 and 2019 which total £5,478.75 up to and including the Casterbridge Lane, Andover encampment on 26<sup>th</sup> September 2019

148. There are no Traveller transit sites in Hampshire. As regards permanent residential Traveller sites there is the County Council owned Star Hill, near Hartley Wintney (as of January this year I understand that site was at 100% occupancy) and three privately owned sites (which until 2015 were owned by the County Council) at Penny Hill also near Hartley Wintney, Tynefield near Whitely and Bury Brickfields near Totton. I also understand that there are a number of caravan sites around the County which have members of the Travelling community as residents.
149. This being the case, Test Valley Borough Council, in the event that this Court sees fit to grant an order, intends to consider adopting a Negotiated Stopping and Temporary Transit Agreement under the terms of which lawful permission may be sought from the Council to set up camp within its area. The Policy sets out the criteria against which the Council will consider any request which includes the suitability of site and whether planning permission exists. A copy of this Policy is exhibited at “**KD 11**” to this statement.
150. I have taken into account the impact and/or potential impact on the Defendants who have protected characteristics by way of their travelling lifestyle affording in accordance with the Equality Act 2010. I have similarly taken into account this Council’s Public Sector Equality Duty and have also considered the impact or potential impact on the Defendants’ Human Rights and in particular Articles 8 and 14 of Part 1 of the Human Rights Act 1998. I have carried out an Equality Impact Assessment and concluded that the risks to the rights of the Defendants have been identified and mitigated and that the decision to proceed with this application is proportionate in all the circumstances.
151. I therefore ask this Honourable Court to grant an injunction prohibiting unauthorised encampments and developments within the Test Valley Borough Council area as shown in the plans attached to the draft order accompanying this application and that it is proportionate to do so as the Defendants have demonstrated that they are prepared to set up unauthorised encampments and exhibit unlawful behaviour within those areas.

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 Dunn*.

Karen Louise Dunn

Dated: 15.06.2020.

On behalf of : Claimants

No of Statements: Second

Date: 17.06.20

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

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**SECOND WITNESS STATEMENT OF KAREN DUNN**

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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 witness statement in support of the Claimants' application for various service Orders prior to service of the above named proceedings. The Claimants seeks an interim and final prohibitory injunction pursuant to section 222 Local Government Act 1972 and section 187B Town and Country Planning Act 1990 in the terms set out

in the draft Orders. The Orders are sought against the 89 herein named Defendants and Persons Unknown, and concerns to date 82 unauthorised encampments formed by the Defendants in the administrative area of Test Valley Borough Council between 2018 and the present, with 67 of those unauthorised encampments (65 in Andover and two in Romsey) having occurred in the small part of the Borough the Claimants seek to protect with an injunction. These encampments have included significant numbers of people at times, with large numbers of caravans and associated vehicles. These unauthorised encampments have been formed in public open spaces, parks, business premise, highways, sports clubs and car parks and near other sensitive sites. The encampments have caused significant nuisance for the following reasons:

- (i) because the settled community and local businesses believe that the Travellers are being allowed to flout the law;
- (ii) the encampments are causing serious nuisance and annoyance to the settled community; and
- (iii) the encampments leave behind untreated human excrement as the Travellers do not use the toilets within their own caravans, leaving human excrement in public areas where members of the public may come into contact with it.

Due to the level of encampments and the time it might take to locate and serve this evidence on the Defendants I am seeking an Order on behalf of the Claimants that the injunction is listed before a Judge on 17 July 2020 to ensure the Claimants have 3 clear days between service of the proceedings and the hearing date. I would also respectfully request that the hearing is allocated a 2 hour time estimate.

3. Male Gypsies and Travellers usually leave for work early in the morning and do not return until later in the evening. Accordingly, the Claimants also seek permission to serve the Defendants between 6.30am and 8pm during the week and between 7am and 4pm on a Saturday, with an Order that Claim forms and Applications served on a Saturday will be deemed served on the next working day and Claim Forms and Applications served after 4pm on a working day shall be deemed served on the next working day.

4. Travellers can be difficult to serve and there is no guarantee that they will open the door to their caravan, mobile home, or, bricks and mortar property if they believe they will be served with court papers. In the event that the Claimants are unable to personally serve any of the 1<sup>st</sup> to 88<sup>th</sup> Defendants, the Claimants seek an order giving them permission pursuant to CPR Part 6.14, 6.15, 6.26 and 6.27 to serve any of these Defendants that cannot be personally served, by leaving a copy of the application notice, claim form, draft order and supporting evidence in a clear transparent envelope and affixing the same to a Caravan or Mobile home, front door, or, other vehicle of which it is reasonably believed is occupied by the Defendant, or, Defendants that the Claimants have been unable to personally serve. I would also respectfully request that any Claim form and application notice served by this method will be deemed served the next business day after service of the application and Claim Form. The Claimants also seeks an order giving permission to serve by letter box service at any known address if the Claimants are unable to effect personal service at that address.
5. There are a number of lever arch files of supporting statements and evidence in this matter. There are 89 named Defendants that each require a copy of the evidence to be served on them. This would be an enormous amount of paperwork and expense, which no doubt would be difficult for the Travellers to store in their caravans as many of them are living in small touring caravans with their families. Accordingly, the Claimants proposes that it shall be permitted to serve the evidence in support of the Claim and application for an interim injunction by providing details of a live link to a web page on the First Claimant's website where the information can be downloaded. The Claimants will provide any Defendant that requests hard copies of the same within 5 working days of receipt of such request and shall have a copy of all evidence relied upon in these proceedings available for inspection at the First Claimant's Council offices at Beech Hurst, Weyhill Road, Andover, Hampshire, SP10 3AJ between the hours of 10am and 4pm Monday to Friday excluding public holidays.
6. The Claimants also seeks an Order that the Claim and Applications shall be deemed served on Persons Unknown by serving a copy of the Claim Form, Application Notice and Draft Order in the form set out in the draft Order. That is:
  - (i) Affixing copies (as opposed to originals) of the Claim Form, Application Notice and draft Orders in a transparent envelope in a prominent position on or close to all

adopted highway entry points within the area marked with a red line and marked as Area A in Schedule 2 of this Order with a notice to Persons Unknown that a copy of the supporting evidence can be obtained from Test Valley Borough Council Beech Hurst, Weyhill Road, Andover, Hampshire, SP10 3AJ;

(ii) For the additional areas of Land marked Area B on the map attached to Schedule 2 of this Order by affixing copies (as opposed to originals) of the Claim Form, Application Notice and draft Orders on a prominent position on Land with notice to Persons Unknown that a copy of the supporting evidence can be obtained from Test Valley Borough Council Beech Hurst, Weyhill Road, Andover, Hampshire, SP10 3AJ.

7. Accordingly, for the reasons stated above I respectfully request that the Court grant an order in the draft form provided with this application.

#### **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: 17th JUNE 2020

**Statement on behalf of  
the Claimants  
Witness: Nicholas Waite  
1<sup>st</sup> Statement  
Dated: 5 June 2020  
Exhibits:**

**IN THE HIGH COURT OF JUSTICE**

**Claim No.**

**QUEEN'S BENCH DIVISION**

**B E T W E E N : -**

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

**Claimant**

**-and-**

- (1) ALBERT BOWERS & OTHER NAMED DEFENDANTS  
LISTED IN SCHEDULE 1 OF THE CLAIM FORM**
- (2) PERSONS UNKNOWN**

**Defendants**

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**WITNESS STATEMENT OF NICHOLAS WAITE**

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I, Nicholas Waite, of Hampshire County Council, The Castle, Winchester, Hampshire, SO23 8UJ WILL SAY AS FOLLOWS:

1. I have been employed by Hampshire Country Council (the Second Claimant) since May 2014 as an Assistant Gypsy Liaison Officer. As part of my duties I am responsible for the investigation and co-ordination of the response to complaints of unauthorised occupation of land for which the Second Claimant is responsible and I make this witness statement in support of the First and Second Claimants Claim and application for an injunction.

2. The Second Claimant is the Highway Authority within Hampshire (with the exception of Southampton and Portsmouth). The Land-Sub Committee of the Hampshire County Council approved a policy for the control of unauthorised encampments by gypsies and others on 19 November 1991. The Land-Sub Committee also determined that the policy should be implemented by the Chief Executive. The policy was amended on 6 November 1996 in light of new legislation and approved by the Land-Sib committee on 21 November 1996 and was again amended in October 2011 and reported to The Executive Member for Policy and Resources on 8 December 2011. A copy of the amended policy is annexed hereto marked "NW1".
3. Each case of an unauthorised encampment is considered individually and on its merits against the County Council's policy by Authorised Officers within Hampshire Legal Services. Where it is considered that the policy has been complied with and repossession action is justified in accordance with the policy, repossession proceedings are authorised.
4. A revision to the policy was approved on 2 April 2020 to ensure compliance with the emergency legislation and the safety/welfare of the Gypsy and Traveller community and Hampshire County Council staff during the Corona virus emergency. The result of which provides that following a case by case risk assessment, a period of extended toleration will be considered in all cases, meaning that encampments will be allowed to remain during the current restrictions on movement. I exhibit a copy of this Statement of Policy in Relation to Unauthorised Encampments Coronavirus (Covid 19) – March 2020 at "NW2".
5. Hampshire County Council has provided Test Valley Borough Council with data relating to unauthorised encampments on Hampshire County Council and Highway Authority Land. I understand that this data is included with the maps appended to these proceedings. I exhibit hereto marked "NW3" my record of unauthorised encampments within the First Claimant's area for 2018, 2019 and to date in 2020.



6. Hampshire County Council, as Highway Authority, has given consent to their land being included within the injunction order sought.
7. There has been 26 unauthorised encampments on the Second Claimant's land within the Test Valley Borough Council area between 1<sup>st</sup> January 2018 to 31<sup>st</sup> May 2020, of which 19 were within the area being considered in this application.
8. I have appended the site visit and welfare reports marked Exhibit "NW4" and summarise the same as follows:
  - 8.1 **29 January 2019 Picket Twenty Near Boulter Road, Andover**-On 28 January 2019 I was contacted by the First Claimant about a single caravan parked on Highways land at this location. On arrival, I recognised the caravan as belonging to Mrs Margret and Mr Albert Bowers as I have previously met Margaret and Albert Bowers at various locations around Hampshire. There was no one in so I served a notice to quit. As I walked back to my car I saw one petrol generator, this was not running, but I suspected it would cause high levels of noise pollution to the residents' properties that were located only 150 metres away. A notice to quit was served on 29 January 2019. The travellers left the site 3 February 2019.
  - 8.2 **14 January 2019 Micheldever Road, near closed reservoir, Andover, Hampshire**-I was contacted by the First Claimant on the 15 January and informed about an encampment at this location. The site occupants were John Myhill and Lisa Roy, who I knew from another encampment in Hampshire. The site occupants claimed that the caravan was damaged and would need to be removed with a low loader. I served the notice to quit and Mr Myhill, who was not in a good mood said goodbye and closed the door to the caravan. A notice to quit was served on 29 January 2019. The encampment was present on the site for 22 days and left on 8 February 2019.
  - 8.3 **2 January 2019 Micheldever Road**-I attended the site following a call from the First Claimant informing me of an encampment at this location.

On arrival, I recognised the caravan as belonging to Mrs Margret and Mr Albert Bowers as I have previously met Margaret and Albert Bowers at various locations around Hampshire. I knocked on the door of the caravan and the door was opened by Margaret Bowers. Mrs Bowers explained to me that they had arrived on 31.12.18 and that their intention was to “only stay a few days.” Mrs Bowers confirmed that there were no welfare issues for her or Albert Bowers. I served her with the notice to quit. As I walked back to my car I saw one petrol generator, this was not running, but I suspected it would cause high levels of noise pollution to the residents’ properties that were located only 150 metres away. I also noticed a Jack Russell dog belonging to the Bowers, which was not tied-up and was resting in the warm ash of a recent fire. I knew from personal experience that this dog can be very protective of the caravan when the residents are away and has previously tried to bite my ankles, and could potentially have bitted a member of the public if they walked too close to the caravan. A notice to quit was served on 3 January 2019. The travellers left the site on the 14 January 2019 following a Court Order for possession forthwith.

- 8.4 **13 December 2018 Micheldever Road, Andover, Hampshire-** I was contacted by the First Claimant on 13 December 2018 and informed about an encampment at this location. The site occupants were John Myhill and Lisa Roy, who I knew from another encampment in Hampshire. Mr Myhill informed me that since I saw him last, he and Lisa had been at several different locations in Andover before moving to their present location a few days previously. When asked Mr Myhill told me that he and Lisa had no new relevant welfare issues that I need to be aware of. I informed Mr Myhill that the caravan was situated on land owned by Hampshire County Council and would be required to move. Failure to do so would result in Court action. A notice to quit was served on 18 December 2018. The encampment moved on 23 January 2019 following a Court Order for possession forthwith.

- 8.5 **26 October 2018 Churchill Way, adjacent to Britax, Andover, Hampshire**-I was made aware of this encampment by Test Valley Borough Council on Friday 26 October 2018. As I approached one of the caravans a voice called out saying jokingly “not you again.” An adult female then came out of the caravan and walked towards where I was standing. The woman was known to me as Margaret Bowers, who I know from other unauthorised encampments mainly in the Andover area. Margaret told me that she along with the other 2 residents arrived on Friday having left their encampment on Bramdean Common and that their plan was to stay for “a couple of weeks”. I then asked generally if she or any of the other residents had any welfare issues, in particular, health, housing and education. Margaret told me that there were no welfare issues. I then informed Margaret that they were encamped on land owned by Hampshire County Council and would be required to move. I served a Notice To Quit effective from 12pm Wednesday 31 October 2018. The site occupants included: Margaret Bowers, Albert Bowers and Freddy Bowers. A notice to quit was served on 29 October 2018. The encampment left on 7 November 2019.
- 8.6 **17 September 2018 Highways land off Picket Twenty near Boulter Road, Andover**-I was informed that travellers were occupying a part of a tarmacked cul de sac at this location, and were parked close to a busy road. I approached the caravan and knocked on the door. The door opened and an adult male came out of the caravan followed by an adult female. They identified themselves as John Myhill and Lisa Roy, Mr Myhill and Ms Roy are a couple. Mr Myhill confirmed that they had been made homeless by the local housing authority and since then had purchased a caravan and decided to live in it until such time as they could get rehoused. Mr Myhill also informed me that they reason they were evicted was due to rent arrears. They confirmed that they had no welfare issues but that Ms Roy was expecting a child on 25 November 2018. I served a notice to quit on 20 September 2018 that was effective on 20 September 2018. The encampment left on 12 October 2018.

8.7 **21 September 2018-Highways Lay-by Near the Scout Hut, Lockerley Hampshire**-I was informed there was a travellers' encampment at this location and attended the encampment on 24 September 2018. As I approached the nearest caravan I could see through the window an adult male who I identified as Mr Smith, who was watching television. Mr Smith is known to me through previous unauthorised encampments in the Ashely and Grateley areas of Hampshire. I knocked on the window and Mr Smith came to the open door of the caravan. Mr Smith said to me that they would not be moving and that "you will have to take us to Court". I asked Mr Smith if there were any relevant welfare issues that I should be aware of, in particular health and education and housing. Mr Smith said there were no welfare issues and that the children were home schooled. I informed Mr Smith that I was serving a Notice to Quit effective for 12pm midday on Tuesday 25<sup>th</sup> September 2018 and that failure to move may result in legal action. Mr Smith said "put it under the step, which I did". He then returned to watching the television. After recording vehicle details and a brief inspection of the site and the surrounding area I then returned to my vehicle. As I was about to get into the car a vehicle pulled-up and I observed an adult female, 3 children and a young adult male get out and walk towards me. I recognised the woman as Mrs Caroline Coker, the partner of Mr Smith. Mrs Coker informed me that her family was homeless and that she hoped for housing assistance from the First Claimant or Aster Housing Association. I visited the site again on 25 September and the encampment was still present in breach of the Notice to Quit. I tried to speak with Mrs Coker but she was out. I left a message on her mobile phone to speak with her about why they had not complied with the notice to quit, but she did not return my call. From inspection of the encampment and surrounding area I could see domestic rubbish in and around the site as well as dog waste (there is a tethered brown and white spaniel at the encampment). There were also a number of baby wipes that were in the nearby hedge and on the field behind the encampment as well as the smell of urine. From these observations, I suspect that the hedges and the field behind the hedges may have been used as a toilet

by the site occupants. Further, the site next to a busy road, and the travellers' generator would have been causing noise nuisance for the two residential properties which were 100 metres from the encampment.

9. The Second Claimant has served Notice to Quit/Direction to Vacate in accordance with section 77 Criminal Justice and Public Order Act 1994 on all of the above 8 encampments. County Court proceedings were necessary on 2 of these encampments as they did not move on their own accord and we obtained an Order for Possession on 2 of them. This has the effect of moving the travellers to another area within the borough and causing significant nuisance and annoyance to highway users and other residents locally.
10. All encampments cause transient damage to the Second Claimant's land in that the ground is churned up by the caravans and vehicles. Rubbish is almost always left by each encampment to be cleared up by the First or Second Claimant. This will often include evidence of human excrement. A defensive earth bund was put in on Hampshire Highways land adjacent to Britax in Churchill Way, Andover by Hampshire Highways in early 2019.
11. The cost of these encampments in terms of court action is £6,883.

#### 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 

Printed: Nicholas Waite

Dated: 11th June 2020

Statement on  
behalf of the  
Claimants

Witness: INSPECTOR TAYLOR  
1<sup>st</sup> Statement

Dated: 11.06.2020

Exhibits: 34

IN THE HIGH COURT OF JUSTICE

Claim No.

QUEEN'S BENCH DIVISION

BETWEEN :-

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

Claimant

-and-

- (1) ALBERT BOWERS & OTHER NAMED DEFENDANTS  
LISTED IN SCHEDULE 1 OF THE CLAIM FORM
- (2) PERSONS UNKNOWN

Defendant

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**WITNESS STATEMENT OF INSPECTOR CHRISTOPHER TAYLOR**

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I Inspector 20000 Christopher Taylor, a Police Inspector for Hampshire Constabulary. I am the Test Valley District Inspector based at Andover Police Station. I WILL SAY AS FOLLOWS:

1. I have been employed by Hampshire Police Constabulary for approximately Seventeen and a half years. I make this statement in support of the Claimants claim for an injunction against the above named Defendants and Persons Unknown. The facts in this witness statement come from my own knowledge or, where they are not from my own knowledge, they are true to the best of my knowledge and belief.

2. I was tasked with compiling a list of incidents that Hampshire Police have dealt with concerning unauthorised traveller encampments within the area marked in red on the map attached to Exhibit CT1. This witness statement contains the reports recorded in relation to this issue, which affected the Claimants since the start of 2018. This is not necessarily the total number of incidents concerning unauthorised encampments that were dealt with by the police during this time within the area marked on the map attached at Exhibit TC1, however, I have engaged in reasonable efforts to provide a true reflection of the state of affairs concerning traveller encampments within this area.
3. Extracts of the reports have been summarised where appropriate within this statement to give an understanding of the nature of the reports, some of which can be many pages. The reports are exhibited to my witness statement and are redacted where needed, to protect the identity of the informant, victim and some information relating to persons involved has been removed where appropriate. I attach at Exhibits CT2 to CT33 copies of the redacted reports.
4. All calls that are received from the public about unauthorised encampments by Hampshire Constabulary, by phone call to 101 or 999 generate an individual reference number (CAD). The reports will record the type of call and other information that would be useful for the officers attending the incident. If other calls are received regarding the same location, generally they are linked to the original CAD. When the initial police attendance has taken place the CAD record is closed into our Records Management System (RMS) and an Occurrence number is generated. Any further action and investigation is recorded with in this Occurrence. If there are separate victims of crime individual an Occurrence is generated for each victim of crime. To ensure that the Court has a clear understanding of the information held by the police in relation to these incidents I have included the following documents in the exhibits: CAD

summaries, Occurrence Details, C58 forms and photographs of the sites, where officers have decided to take photographs. The CAD summaries provide the broad details of the incident, and the Occurrence Details include the detailed accounts of what happened on the sites. The C58 forms demonstrate the considerations that are undertaken when deciding whether or not to issue a section 61 direction under the Criminal Justice and Public Order Act 1994 (CJPOA). The section 61 direction can require the encampment to leave the site within a fixed period of time.

5. I refer to the following reports with the most recent first, with a short summary of the reports.
6. **26/02/2019 Greenwich Way, Andover, Report 44200073298 and 44200082861 Exhibit CT2** – An unauthorised encampment of two vans and three caravans was established at Greenwich Way, Andover which is a dead-end public Road. Adults present at the encampment were Frank Loveridge, Tammy Bowers, Margaret Bowers and Albert Bowers along with four children. The group advised that they were the same group who and moved from a nearby unauthorised encampment near Finkley Down Farm, Andover where they had said they had intended to stay as long as possible. A controlled fire on a grass area was noted and a petrol generator was running. On 2<sup>nd</sup> March 2020 a further visit took place and a Frank Smith spoke to Officers. A large pile of green waste was noted on the verge beyond the vehicles. The presence of three unleashed dogs was noted and Rod Mason (Dog Warden) seized two dogs. The dogs' owners are recorded as attending Andover Police Station asking for their dogs and were given the telephone number for Test Valley Borough Council. A public order offence is reported by a local kennels involving Frank Loveridge, and Albert and Margaret Bowers. The Greenwich Way site was vacated on the 7<sup>th</sup> March 2020.
7. **28/10/2019 Pioneer Road, Andover SP11 8EZ, Report 44190386829, 44190386641, 44190386750 and 44190386731 Exhibit CT3-** A Travellers



encampment moved onto land occupied by a local business, Goodman Real Estate on Pioneer Road. Police received complaints from an informant that caravans had moved onto the land owned by a local business and adjacent to their business premises. The informant provided a statement to police that he had seen members of the encampment group forcing entry through the padlocked fencing to gain access to the land where they formed their encampment. The encampment included eight Caravans and eight additional vehicles. The land is owned and controlled by Goodman Real Estate. Goodman Real Estate served a notice to vacate the land on the travellers. The notice required the travellers to leave the land by 9pm on 28 October 2019. In breach of the notice the travellers remained on the land and stated that they would not leave. A report was received that the day the encampment arrived on the land an incident took place whereby two of the travellers from the encampment tailgated staff into co-operative warehouse building next to the encampment and stole cans of coke and a bottles of water from the fridge and refused to leave when staff asked them to and continued to be abusive. As they were trespassing this was recorded as a Burglary. One of the Members of staff that asked to the Travellers to leave the premises were threatened that he would be beaten-up putting him in fear for his safety. As they were escorted out of the building one of the female travellers who was wearing a dressing gown, threw a coke can towards one of the staff and threatened to key a member of staff's cars. A copy of the witness evidence given to police by the staff is exhibited at CT1. The travellers were evicted from the site on the 30<sup>th</sup> October 2019 with the assistance of the police. Vehicle registration checks were undertaken and the following were identified as owner or insured persons on the vehicles present on the site Annie McDonagh, Willie McDonagh and Barbara McDonagh

8. **29/10/2019 30/09/2019 Saxon Fields Pavilion, Andover SP10 4NP, Report 44190348268, 44190349405, 44190349452 & 44190352209 Exhibit CT4-**  
The Police were informant that the encampment from Charlton Sports

Track in Andover had moved onto Saxon Fields Pavilion, which was just a short drive away. The group consisted of ten caravans and ten accompanying vehicles. There were some children on the site – approximately ten seen aged between four to thirteen years. They did not make any representations regarding their welfare. The travellers had stated they intend to stay for about a week. The site of the encampment was the playing field that travellers regularly set up camp on and is well known. It was reported to Police that the encampment had caused damage to a bollard in order to gain entry onto the site but on Police attendance there were no sign of damage. The site is amongst a residential area and had caused much concern to the local residents. A burglary took place in a nearby street which caused community tension as the residents believed it was the travellers, there was, however, no proof it was a persons from the encampment. There were complaints from local residents about aggressive and threatening behaviour from the travellers. Member of the group were aggressive and intimidating to a Mother and 11 year old daughter whilst they were waiting to collect her son from the school bus. The 11 year old daughter had wanted to take a picture of one of the traveller's dogs near the gate to the Site. A male traveller approached them demanding they delete the photograph, when the mother explained that the daughter had not taken the photo the male became more aggressive demanding she deleted it. The mother then collected her son and they started to drive home. The mother of the two children then noticed that the male traveller and another male were in a car and following her, causing her to take a detour home to avoid them following her home. The mother was reported to be extremely upset and shaken at this episode. 44190352209 Assault: 13 year old chased from the encampment causing him to fall off his bike. Test Valley Borough Council served a court notice on the encampment, obtained the eviction order and served notice on the travellers to leave the area within 24 hours. The travellers stated that they would stay until bailiffs attended to enforce the eviction. On 3<sup>rd</sup> November 2019 the travellers left the site. Vehicle registration checks were undertaken and the following

were identified as owner or insured persons on the vehicles present on the site included Patrick McDonagh, Paul Cookson, Willie McDonagh, Annie McDonagh, Barbara McDonagh, Lorna Murphy, Thomas McDonagh and Willie McDonagh.

9. **29/09/2019 Charlton Sports Centre, Churchill Way West, AndoverSP10 3LF, Report 44190348097 & 44190352573 Exhibit CT5-** Police were called to an encampment that was setting-up on the running track at Charlton Sports Grounds. On attendance the Police had located ten vehicles and ten caravans scattered around the running track. There has been damage caused to the piping to the inside of the track and a set of stairs has been thrown over a barrier. The caravans were also set up on the rubber running track which it appeared to officers could cause damage to the running track. The travellers have initially stated they intended to stay for a night but some admitted they intended to stay for a week. Within ten minutes of being at the site, at least six members of the public had attended to use the running track and had left due to the presence of the travellers. A group training group had also left the grounds once they realised the travellers had encamped on the site. As explained by one informant to access the grounds, the travellers would have had to have broken the locks of the access gate. It was also reported that the travellers had indeed broken the gate. The track is regularly used by multiple clubs and members of the public, who could not use the track whilst the travellers were present. Vehicle registration checks and insurance checks confirmed that the vehicles forming part of the encampment were owned by or insured for use by the following individuals: Thomas McDonagh, Winnie McDonagh, Ann McDonagh, Christopher Crosby, Barbara McDonagh, Lorna Murphy, Patrick McDonagh, Thomas McDonagh, and Willie McDonagh. The persons were all linked to other encampments across the County of Hampshire which had caused criminal damage to gain access to those sites. The travellers were threatening to split the camp up into multiple sites of two the other site being a local supermarket car park. Police were putting

together a s61 due to the impact the encampment was having on the public. The encampment had caused substantial damage to the running track and grounds whilst there. On 3<sup>rd</sup> September 2019 the encampment moved off site, but a short time after there were reports from the public were coming in for the Saxon Fields site where they relocated to. A call was also received from Andover Leisure Centre, explaining that the travellers had tried to gain access to their site but had failed to gain access.

10. **25/09/2019 B3400 Picket Twenty Way, Andover, SP11 6TW, Report 44190343126 Exhibit CT6**-At around the same time Police were checking Casterbridge Lane, reports came in of caravans turning up at Picket Twenty Way. On attending Picket Twenty, junction with B3400 Police found four caravans and one vehicle parked on the grass verge; same location as another recent encampment. From markings on the caravans Police believe this is the same group who had recently left Casterbridge Lane, by the next day the encampment had left site.
11. **20/09/2019 Casterbridge Lane, Andover SP11 0SY, Report 44190336628 Exhibit CT7**-Police were informed that an encampment arrived on the field. The encampment had situated themselves approximately 120 metres from the nearest residence it was also close to a small playground associated with a relatively new housing development. Four caravans, two vans and a pickup truck had set-up camp. There were two dogs belonging to the travellers, one of which was barking during the day, by night the dogs were put away in one of the caravans. The gate leading to the field is usually padlocked, but there was no evidence of damage caused in order to access the site. The travellers had stated to Police that they intended to stay over the weekend and move on Monday. The travellers left the site on 25<sup>th</sup> September 2019 following a section 77 direction and service of a section 78 order to leave the land. Test Valley Borough Council re-securing the site. Vehicle registration checks, records and and insurance checks confirmed

that the vehicles forming part of the encampment were owned by or insured for use by Louis Ayres, Frank Loveridge and Margaret Bowers

12. **17/09/2019 Smannell Road, Andover SP11 6UN, Report 44190332300 & 44190332273-Exhibit CT8**-The police received a call from an informant that an encampment of six caravans had moved onto the playing field behind their house. There is a hill and members of the travelling community were standing on the hill looking into other resident's rear gardens. Shortly after twelve vehicles have set up camp on Roman Way playing field near the skate park opposite from the other encampment. A report was received that a person from the encampment was in charge of a dog that was dangerously out of control, with a member of the public being bitten by the dog. The vehicles at the site related to four other encampments that Police were aware of in Test Valley at the time. This group have moved around Andover for the past month. On 19<sup>th</sup> September 2019 Police observed a convoy of travellers leaving Andover heading onto the A303. The site was visited and police spoke to a few remaining travellers of the site who were also in the process of leaving the site. The occupant stated that they were leaving the Andover Area, this was due to their group being targeted by locals letting off fireworks and also social media threats towards their group. The occupants stated that the earlier group who had left were heading down to the Brighton area, the remaining travellers would be heading towards London, however explained that they would be spending the night at Tesco's car park before moving off in the morning, this was due to concerns for their safety at the current location. On 20<sup>th</sup> September all vehicles have now left the site, there is an amount of discarded refuse in the area that will require council intervention.
13. **16/09/2019 Picket Twenty Way, Andover SP11 6TH, Report 44190330965 Exhibit CT9**-An informant reported witnessing a group of travellers trying to break into the football ground. It was reported that there was a couple of travellers with sledge hammers trying to get through the gate. There

were caravans and vehicles in the immediate area lining up to access the site but the travellers were unable to gain access. Police officers confirmed that this caused no damage. A further call was received and stated there was an encampment on the grass verge owned by Persimmon Homes on Picket Twenty Way where there were three vehicles and three caravans present, it was the same group that had been trying to access Picket Twenty Sports Field earlier that day. There were a number of calls to Police related to community tension as the travellers from the encampment were shouting abuse, using foul and abusive language and telling residents "they deserve to be there". The encampment included approximately 15 vehicles and 10-12 caravans. An informant explained to the police that the travellers were being very brazen with their abuse and threats towards residents. Test Valley Borough Council re-securing the site Vehicle registration checks and insurance checks confirmed that the vehicles forming part of the encampment were owned by or insured for use by the following individuals Albert Bowers, Louis Ayres and Margaret Maryjane Bowers,

14. **14/09/09 Smannell Road, Andover SP11 6UN, Report 44190328228 Exhibit CT10-A** Bailiff for land owned by Taylor Wimpey contacted the police, having served travellers at this location with a notice to leave the land. The bailiff had been met by hostility and threats of violence and criminal damage to vehicles. When police attended the site there was a stand-off between bailiffs and travellers, with travellers refusing to leave the site. The travellers appeared ready to fight with the bailiffs. The police officers on site asked bailiffs to leave for 1-2 hours whilst the police negotiated with the travellers for them to leave the site. The travellers left the site and moved down the road to Smanell Road Playing Field.
15. **03/09/2019 Saxon Fields Pavilion, Andover, SP10 4NP, Reports 44190314300, 44190319067 & 44190320462 Exhibit CT11-**An informant reported that Travellers were accessing the recreation ground on Saxon

Field a transit van was seen ramming the wooden fence post barrier to gain access whilst other vehicles were blocking Jutland Crescent waiting to access playing field. Twelve caravans and nine vehicles went through the barriers onto Saxon Fields playing fields. Saxon Fields Pavilion is Test Valley Borough Council land. It was believed that the people in this encampment have come from another site in Andover. Another informant has been near the site and stated that the travellers had used a chainsaw or similar to cut down large wooden pillars which were previously put up by the Council to stop unauthorised access. Police came across the two posts that had been cut off to ground level. The encampment included cars, caravans, adults, children and dogs. Another informant complained that this was happening too many times. The Police received complaints that the travellers' dogs had been harassing members of the public using the playing field. One reported that whilst a member of the public walking across the field once of the travellers' dog was not under control and attempted to bite a male, when informant spoke to one of the male members of the encampment he just got abused in reply. The travellers finally were removed off site on 12th September 2019 following a section 77 direction and service of a section 78 order for the removal of persons and vehicles unlawfully on land. Test Valley Borough Council re-securing the site. Half of the vehicles remained in the area. Vehicle registration checks and insurance checks confirmed that the vehicles forming part of the encampment were owned by or insured for use by the following individuals Anthony McDonagh, Cathal McKenna, Christopher McDongah, John McDonagh, Kathleen McDonagh, Margaret McDonagh, Mary McDonagh, Michael McDonagh, Pat McDonagh, Steven McDonagh, Thomas McDonagh, Tommy McDonagh, Dylan McDonagh and Mary McDonagh.

16. **03/09/2019 River Way Waterworks, Andover SP10 1DX Report 44190313510 Exhibit CT12-** The Police were informed that a traveller's encampment had formed overnight on a field at the rear of Tesco on River Way in Andover. One of the traveller's vehicle has been parked in front of

gate blocking the water board's access to site. The locks on the gate had been cut through to get onto site. On Police attendance access has been gained to the old waterworks area which is currently in the process of being advertised for sale. Access has been gained through two front gates and allegedly padlocks have been cut off but this has not been witnessed. The encampment had thirteen vehicles and eight caravans on site. Vehicle registration checks and insurance checks confirmed that the vehicles forming part of the encampment were owned by or insured for use by the McDonagh family; Anthony McDonagh, Christopher McDonagh, Dylan McDonagh, John McDonagh, Kathleen McDonagh, Margaret McDonagh, Mary McDonagh, Michael McDonagh, Pat McDongah, Steven McDonagh, Thomas McDonagh, Tommy McDonagh, Dylan McDonagh and Cathal McKenna. This family were involved in previous encampments that had been in Andover over a three-week period- Babbage House, Walworth and now River Way. The travellers stated an intention to stay for five days when they will be moving on from the area. The site is a derelict area of old work buildings which has access to the main pumping station adjoining it. A Section 61 CJPOA 1994 Notice was served as the encampment hit the threshold for service of a Section 61 Notice, the travellers moved off the site from 4<sup>th</sup> September 2019.

17. **19/08/2019 Anton Trading Estate, Andover SP10 2NJ Reports 44190294637 & 44190320462 Exhibit CT13** - It was reported that a traveller's encampment had moved onto a small unused car park belonging to Babbage House which is a derelict building in Anton trading estate. There were no dwellings which overlooked the encampment, but hedges back onto the Suffolk Road Area which is residential. Six vehicles and four caravans, adults, children and a couple of dogs were a part of the encampment. The travellers stated that it was their intention to leave at the weekend and travel to the Dorset Steam Fair. Call to police from an informant stating that there was a large white van in the grounds of the business next to the encampment. There was said to be two male travellers



who were 'looting the site'. The informant lives immediately near to the site and has previously reported numerous issues and concerns to police in relation to the travellers. On police attendance there was a small scattering of random items of property / litter scattered around the site which the travellers stated was present upon their arrival. The building itself, which is immediately next to the travellers' site, is derelict, not secure and in a very dilapidated / seemingly unsafe state. The travellers stated there have been other youths and squatters in the building. Another informant told Police that they were experiencing adverse impacts from the travellers on the site due to the ongoing anti-social behaviour of the travellers. Since the travellers moved onto the site on Sunday evening generators have been making noise at all hours along with dogs 'yapping' and barking. Additionally, one informant had one of the travellers climbing up their garden fence and has also had a nappy thrown over their fence and into their garden and a report was made of criminal damage to the fence. The landlord from Robert Court Properties Limited who own the building instructed a Solicitor and the travellers have been served papers to evict the travellers from the site. Whilst the landlord was in court the encampment left the location on Thursday 29<sup>th</sup> August 2019. The landlord re-secured the building site and had the location cleared-up due to the build-up of rubbish left on the site.

18. **08/08/2019 Winchester Road, Chilworth, SO16 7LG, Report 44190281929 Exhibit CT14**-The police were informed that travellers have formed an encampment in the middle of a roundabout at top end of Chilworth (M3 and the A27), this is classed as just inside Test Valley's area. This is a fast section of road with vehicles going past in all directions, potentially a dangerous location from them driving on and off of this location. The travellers stayed on the site for one night before leaving early on 9<sup>th</sup> August 2019. Vehicle registration checks and insurance checks confirmed that the vehicles forming part of the encampment were owned by or insured for

use by the following individuals John Cawt, Thomas Cawt, Nathan Cawt and Charles Chapman

19. **05/08/2019 Picket Twenty Andover. SP11 6LF Report 44190276133 & 44190276410 (OPERATION SELBOURNE) Exhibit CT15-** The Traveller community entered the sports fields at Picket Twenty in Andover. There were approximately 43 vehicles and 24 caravans at this time. There were approximately 25 different families with 6-7 people in each family. Access was gained through a fence that was damaged. A report was also made that a member of the encampment was in charge of a dog dangerously out of control with a member of the public reported to have been bitten by the dog. Large police mobilisation of public order officers was required to enforce Section 61 Notice (50+ officers). Fly-tipping occurred on the site and damage caused due to forced entry onto land. Photographs were taken of the impact on the site. Vehicle registration checks and insurance checks confirmed that the vehicles forming part of the encampment were owned by or insured for use by the following individuals Adam Smith, Anthony Jones, Asa Mochan, Bridie Smith, Crimea McDonald, Dennis Booth, Hope Price, Isabell Lee, James Smith, Janey Jones, Jason Lee, Jim Stevens, John Smith, Joseph Booth, Julie Lee, Katrina Royles, Kenny Rogers, Leanne Baggett, Leeroy Lee, Luke Clee, Luke Daniels, Paddy Price, Saily Rogers, Thomas Price, Thomas Stokes, Tina Marie Bridges, Wesley Williams and William Williams.
  
20. **18/06/2019 Roman Way, Andover, SP11 6JW, Report 44190210010 Exhibit CT16-**That evening a number of informants called Police and reported that travellers were setting-up site on test Valley Brought Council land. It was reported that the encampment included six vehicles and six caravans in total. There has been no damage caused in order to encamp at this site. The encampment was spoken to by Police and Test Valley Borough Council officers. The travellers who were known as they had been on this site before had no intentions of leaving at this time and stated they would

be staying for as long as possible. Vehicle registration checks and insurance checks confirmed that the vehicles forming part of the encampment were owned by or insured for use by the Smith and Loveridge family namely Henry Loveridge and Jacob Smith along with Luke Nixon. Whilst police and council officers were on the site there was one occasion of a male traveller returning to site in his tipper van, he was challenged by council officers to produce his waste carriers licence as he was carrying garden waste on his tipper. The male was quite abusive and aggressive with the Council's officers present and caused them to retreat from the site. Fly-tipping in the area had increased according to Test Valley Brought Council and they believe that this encampment may be responsible for at least some of the fly-tips. On another occasion an informant reported that the travellers have now set a large bonfire and have been seen to cut branches down off trees. Also there were concerns relating to Litter and rubbish on the site and surrounding location to the site. A further report concerned hearing fire arms being discharged on the site. The police attended again on 20 June following this report and heard a shot well in excess of an air weapon coming from the Site. No firearms were seen. Police spoke with the travellers who denied any knowledge of firearms. On Wednesday 24<sup>th</sup> June 2019 the encampment had left the location with no notice served, but had set-up in Southampton near to Botley Park Hotel.

21. **24/05/19 Smannell Road, Andover, SP11 6UN, Report 44190179128 & 44190180276 Exhibit CT17**-Travellers were reported to arrive at this location on an area of the green between Roman Way, Smannell Road and St Paul's church. The encampment was on open land owned by Test Valley Council, no damage has been caused to gain access to the site which is grass land set back from the main road. It was reported that the encampment included ten vehicles and six caravans. The report confirms that the encampment included members of the Smith and Loveridge family who had been moving from one location in Test Valley to another. The same group were previously on the Taylor Wimpy site and have moved to

this new site after being removed by the land owners. A report was received about one of the travellers' vehicle seen driving along the public footpath near to the site and a member of the public being 'forced' off the path, another report by member of the public was of a group fighting on the site. No disclosures made to police on arrival. The travellers left the site on Monday 3<sup>rd</sup> June 2019, the council were left to clear-up the rubbish and garden waste being dumped where the encampment had been formed. Noted on site were Lorraine Loveridge, Lisa Loveridge, Jade Loveridge and Henry Loveridge. Vehicle registration checks and insurance checks confirmed that vehicles forming part of the encampment included those owned by or insured for use by Billy Harbour, Henry Loveridge and Joseph R Ball,

22. **22/05/2019 Smannell Road, Andover, SP11 6UN, Report 44190176124, 44190177639 & 44190178893 Exhibit CT18-** An encampment formed on the green area opposite Smannell Road and Finkley Farm Road, which included six caravans and eight vehicles in total. PNC checks revealed that the vehicles on the site were owned and/or insured for use by the Loveridge family including Henry Loveridge, Lorraine Loveridge along with Jacob Smith. The family have no plan on moving on quickly they have stated they have been travelling around for the last three years after leaving a site they had lived on for the last 26 years. The family were last in Redhill. There has been no damage caused in order to encamp at this site. The site belongs to land owners Taylor Wimpey Builders. There were complaints from members of the public of anti-social behaviour and driving over the grass and around children when the travellers were accessing and leaving the site. The encampment was served a common law notice to leave the land. On Saturday 25<sup>th</sup> May 2019 with bailiffs present the travellers were evict from the Taylor Wimpy site and left the area. Whilst the travellers were being evicted one vehicle was seen fly-tipping on Taylor Wimpy private land before leaving with the rest of the encampment, a vehicle registration check was undertaken and it was confirmed that the policy

holder for the insurance on the vehicle was Mr Henry Loveridge of 14 Kalima Caravan Site Chertsey Road, Chobham, Woking Surrey.

23. **11/04/2019 Churchill Way West, Andover, SP10 3UW, Report 44190126094, 44190127026, 44190125936 & 44190126098 Exhibit CT19-** A report of an encampment at this location was made to police, PNC and insurance checks revealed that the vehicles were owned or insured by the Bowers family . This was a small encampment which included two flatbed vans and two caravans on the grass area near Britax roundabout, Church Way West. A report was received from a member of the public of children from the encampment launching golf balls into the passing traffic, no damage was caused to any vehicles. A traffic cone was placed in the middle of the road. When a motorist stopped and his friend got out the passenger seat to move the cone, two male members of the encampment approached the vehicle and the owner of the vehicle asking him if he had a problem and confirming that they had placed the cone in the road. The driver believed they intended to steal his vehicle. The passenger managed to get back in the car. Whilst pulling away the males hit the vehicle with what is believed to be metal bars damaging the door & smashing the rear screen (photos and witness statements attached. Joey and Michael Bowers of Kanes Hill Caravan Site were associated with this incident. Joey Bowers from the site reported verbal abuse from an unknown member of the public in a car. The witness statements taken from the driver and passenger and the damage to the vehicle are attached to this exhibit. The travellers left site on Monday 15<sup>th</sup> April 2019.
24. **07/04/2019 Plaitford Village Hall, Plaitford, SO51 6EE, Report 44190120583 Exhibit CT20-**An informant reported that a large group of travellers have entered the Plaitford Village hall open car park and setting-up camp and stating that there were more travellers on the way. The land is privately owned by the local village hall which is charity run by community members and they sought to evict the travellers ASAP. The

encampment was confirmed to have included four caravans and five vehicles. The encampment was impacting on trade for Wellow Van Centre who pay the parish council to use the car park for their vehicles, there is also a weekly auction at the village hall. The Parish Council served notice on the encampment and informed police they would be taking the matter to court to be granted a court order. The travellers have left the site on Monday 15<sup>th</sup> April 2019 to a destination unknown. Plaitford village hall is going to upgrade security at the site to prevent future encampments.

25. **28/10/2018 Churchill Way West, Andover, SP10 3UW, Report 44180405603 Exhibit CT21-A** Report was received from a member of the public that there was a small encampment of caravans on Churchill Way West. On officers' arrival there were two caravans and two trucks located on the grass verge, tucked away from the main road. The encampment was members of the Bowers family; Albert Bowers, Frederick Bowers and Margaret Bowers There were a number of encampments in the Andover area over the course of the summer involving this same family and they have previously been at this site. The travellers left the site on Tuesday 6<sup>th</sup> November 2018 following action taken by Hampshire County Council the land owners.
26. **04/10/2018 Lockerley Green, Romsey, SO51 0JN, Report 44180373529 Exhibit CT22-**An informant reported that one caravan with one vehicle has set-up camp on Lockerley Green, having previously moved from butts Green. The small encampment has caused a nuisance and is being loud in a built-up residential area. Another informant reported to Police that the travellers were on Butts Green for some time until Lockerley Parish Council took action and removed them. The encampment then set-up camp in a layby by the scout hut on Titherly Road and now on the green. The last locations the Travellers had left gas bottles, dozens of bags of rubbish on the site and were using the hedges as toilets. The encampment was confirmed to have included one caravan and one vehicle. Vehicle

registration checks and insurance checks confirmed that the caravan is legal aside from being SORN. A verbal warning has been given to the travellers to get the vehicle taxed or risk having it seized. The travellers were Caroline Coker and her partner Darren Smith, with their three young children. They gave a story that they had moved from Totton and are awaiting a housing assessment by Test Valley Borough Council, therefore are residing in the caravan where ever they can rest it for the time being until permanent housing can be found. Lockerley Parish Council served notice to the encampment and will be taking the matter to court to be granted a court order. The travellers left the site on Friday 12<sup>th</sup> October 2018. Police were informed that the travellers have now been given accommodation in Salisbury. Test Valley Borough Council took away one abandoned caravan left on site.

27. **28/09/2018 Alma Road, Romsey, SO51 8AS, Report 44180366453, 44180366610 & 44180369377 Exhibit CT23** -An informant reported that a large travellers' encampment had formed on Waitrose car park in Romsey. Ten caravans and fifteen vehicles. The travellers stated they came from New Milton and that they would leave on the following Monday. The encampment was on a public car park in Romsey town centre used by Waitrose but controlled by Test Valley Borough Council. There was a similar encampment at the location earlier in the year. Whilst the encampment was present there were two incidents reported to Police in relation to males from the travellers' site, one was a public order at the Phoenix Public House whereby the group was refused entry and made threats to door staff. Police also received complaints about a male driving a vehicle from the site who was verbally abusive to a member at a Texaco Filling Station in Romsey. On 1<sup>st</sup> October 2018 the travellers left the site following a section 77 direction by Test Valley Borough Council. Vehicle registration checks and insurance checks confirmed that the vehicles forming part of the encampment were owned by or insured for use by the

following individuals Dennis Sheridan, John Sheridan, Michael O'Driscoll, Patrick Quilligan and Tom Kealy.

28. **30/09/2018 Kiel Drive, Andover, SP10 4ND, Report 44180368754 Exhibit CT24**-An informant contacted the Police and confirmed that travellers were on site having gained access to a large sports playing field by removing a wooden post from the ground. Another informant explained that the travellers had been evicted from the site only two weeks earlier. The site is a large sports playing field which is at the back of a large residential area. There were members of the public present on the field at the time the police were there and this also appears to be a field used by dog walkers. The owner of the site is Test Valley Borough Council. The encampment only stayed one night before being moved from the site the next day on Monday 01<sup>st</sup> October 2018. Vehicle registration checks and insurance checks confirmed that the vehicles forming part of the encampment were owned by or insured for use by the following individuals Henry Loveridge and Michael Smith
29. **20/09/2018 Churchill Way West, Andover, SP10 3UW, Report 44180355690 Exhibit CT25**- Travellers were reported to have formed a small encampment at the location including two vehicles and two caravans. PNC checks revealed that vehicles on the site were owned and/or insured for use by the following person: Albert Bowers. The encampment moved from the site on Monday 24<sup>th</sup> September 2018.
30. **20/09/2018 Pioneer Road, Andover, SP11 8EZ, Report 44180355582 Exhibit CT26**-An informant contacted the Police and confirmed that a large encampment had formed on the Andover Business Park site. It was confirmed there were twenty-one vehicles and fifteen caravans on site. There were reports that when the travellers came on site they started setting fire to bushes, the fire service were called, as the informant believed the fire had been put out. The encampment is on an un-adopted dead end road owned by Godmans developers. At night the road would



normally be closed off with temporary fencing. This encampment had previously had 3 section 61 notices served on them at different locations in Hampshire in the past week. The site was found to be fly-tipped after the travellers had moved on.

31. **20/08/2018 Saxon Fields Pavilion, Andover, SP10 4NP, Report 44180316061 Exhibit CT27** The Police received a number of calls from concerned residents that a travellers' encampment had driven onto the playing fields. On site there were a number of vehicles and seven caravans with a number of adults and children present. This is the same group that had recently left Smannell Road in Andover. The encampment consisted of two families, the LOVERIDGES and the STEVENS, and there were a male and female with the surname of SINES. In total there were twelve adults and seven children/toddlers. Those adults present included Frankie Loveridge, Jimmy Loveridge, Henry Loveridge, David Stevens, David Stevens (two individuals called David Stevens), Jane Stevens, Nicole Stevens, Lisa Loveridge, Teresa Stevens, Kerry Sines, Daniel Sines, Winny Loveridge and Jimmy Loveridge. A local shopkeeper had decided not to open due to the presence of the travellers. This has caused some upset to the travelling community who stated they did not wish to cause him any harm and bother and feel victimised by the shopkeeper. The Police liaised with the shopkeeper and the members of the community and managed to come-up with an agreement to reopen the shop in doing this, this stop any community tension building. Test Valley Borough Council served notice within a day of that notice the encampment left the site and were seen leaving the Borough.
32. **11/08/2018 Charlton Sports Centre, Andover, SP10 3LF, Report 44180304639, 44180310583 & 44180308496 Exhibit CT28** -Reports were received by Police that four vehicles and four caravans had pitched-up on the site gaining access via Salto Lane down onto the playing fields. No damage caused as a result of accessing the site. The owner of the site is

Test Valley Borough Council. From Police records the vehicles that were identified are linked to other unauthorised encampments that have been moving around the Andover area. There were reports by users of the playing field that the vehicles accessing the encampment were causing anti-social behaviour and speeding around the field and started a fire on the land. An informant indicated that the travellers had in her opinion used an accelerant to light the fire as the bonfire was burning the leaves of trees near the fire. The Sports Centre had to cancel a junior football match due to where the encampment was located. Test Valley Borough Council served notice to the travellers with a view to them being evicted from the site. The informant reported being verbally abused by the group. Further, a resident reported golf balls and stones from the encampment "raining" onto his house whilst the travellers were shining torches into trees and firing catapults at pigeons. The police also received a report from a local café that a group of children from the encampment had entered the café and stolen several ice creams before running out the café. An informant also stated that the travellers were using a catapult to launch rocks at the café and into the lake. The informant also mentioned that whilst the catapults were being used two ducks were killed. The site was vacated on Thursday 23<sup>rd</sup> August 2018.

33. **24/07/2018 Old Down Road, Andover, SP10 3JP, Report 44180280219 Exhibit CT29**-An informant contacted the Police and confirmed that he had witnessed travellers arriving on council land at the end of Old Down Road. The site is relatively close to local residents' houses/gardens. On site there were five vehicles and six caravans belonging to the Loveridge and the Bowers families. During the time on site a number of informants called Police and stated that he has seen a few members of the travelling community looking rather intently at properties in the area and looking at trailers/vehicles. A resident who lived the other side of the road from where the travellers were encamped called the Police after been repeatedly been woken-up by the travellers' dogs barking and howling all

night long. A report was made to environmental health. There was also a report of the travellers' dogs intimidating members of the public and fly-tipping by the travellers. Test Valley Borough Council served section 77 papers at the site followed with the court order to vacate the site has been granted and served. By Monday 13<sup>th</sup> August 2018 the encampment had moved on. Vehicle registration checks and insurance checks confirmed that the vehicles forming part of the encampment were owned by or insured for use by the following individuals Jimmy Loveridge, David Stevens, Henry Loveridge, Freddy Bowers,

34. **20/07/2018 Butts Green, Lockerley SO51 0LY, Report 44180274173 Exhibit CT30**-An informant reported that travellers had encamped on the Butts Green this area is a registered Village Green, so no vehicles are allowed to reside on the land. There were two vehicles and two caravan. The informant stated that this is an annual occurrence: the Smith family moving around Test Valley area. The Police managed them last year with some minor issues around a stolen caravan. Whilst on site two informants witnessed two air rifles lying uncovered in the back of one of the travellers' pick-up-trucks. Police spoke to the Smith family on site, strong words of advice were given and they were told if any further reports of this nature were received, then the air rifle would be seized and they would be liable for prosecution under Section 19 of the Firearm Act. On 26th July 2018 the parish council served upon the Smith family a notice to evict the site following the notice the travellers left site. Vehicle registration checks and insurance checks confirmed that the vehicles forming part of the encampment were owned by or insured for use by the following individuals.
35. **05/07/2018 Churchill Way West, Andover, SP10 3UW, Report 44180252744 Exhibit CT31**-The Police were informed of a small encampment including two transit vans (both piled with rubbish) and two caravans parked up to the north of Churchill Way West. PNC and insurance

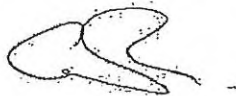
checks revealed that the vehicles owned and/or insured to be driven by the following individuals were on site: James Bowers and Joey Bowers. No action was taken, the encampment moved off the site on Monday 9<sup>th</sup> July 2018.

36. **23/06/2018 Walworth Road, Andover, SP10 5LH, Report 44180235067 Exhibit CT32**-Travellers were reported to arrive at The Dormy House (derelict site) on Walworth Road. The travellers had entered the building and locked themselves in claiming they had taken over the building. Police attended and the encampment of five vehicles left as requested. Vehicle registration checks and insurance checks confirmed that the vehicles forming part of the encampment were owned by or insured for use by the following individuals -John Monagh, Edward McDonagh and Tom McDonagh. ].
37. **06/06/2018 Picket Twenty Way, Andover, SP11 6TH, Report 44180210172 Exhibit CT33**-An informant called and stated that a group of travellers had set-up camp on the Pocket Twenty Estate near to where the informant lived. The encampment was located on a field just off of the London Road roundabout heading into the estate. The encampment includes two vans and two caravans, no damage was caused to access the field. Persimmon Homes were the owner of the private land where the travellers' set-up camp. On Friday 8<sup>th</sup> June 2018 the travellers left the site and moved onto Smannell Road, Andover.
38. **26/05/2018 Smannell Road, Andover, SP11 6UN, Report 44180195700 Exhibit CT34**-Report from site security of two males caught on camera rolling a cable reel away from the Taylor Wimpey building site near to where an encampment had set-up on Smannell Road. Police attended the encampment, there were four caravans and three vehicles. No cable reel was seen in any of the vehicles and no one matching the description passed by security for the site were seen on site by the police. Incursion checks were carried out and travellers spoken to regarding their intentions. Police

warned the travellers of the CCTV on the site, Tipper trucks were noted on the site. They are members of the Bowers family who often pass through the Andover area during the summer months. The encampment moved from the site on Wednesday 30<sup>th</sup> May 2018, no action was taken. Vehicle registration checks and insurance checks confirmed that the vehicles forming part of the encampment were owned by or insured for use by the following individuals Fred Bowers, Freddy Bowers, Joey Bowers and Margaret Bowers.

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:



Printed:

INSPECTOR C. TAYLOR.

Dated

11/06/20

Claimant  
Witness: Lorraine Cooper  
Dated  
Exhibits LC 1 - 86  
Claim no:

IN THE HIGH COURT  
QUEENS BENCH DIVISION  
BETWEEN:

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

Claimants

-and-

(1) ALBERT BOWERS AND OTHER NAMED DEFENDANTS  
LISTED IN SCHEDULE 1 OF THE CLAIM FORM  
(2) PERSONS UNKNOWN

Defendants

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FIRST WITNESS STATEMENT OF LORRAINE COOPER

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I, LORRAINE COOPER, of Test Valley Borough Council, Beech Hurst, Weyhill Road, Andover, Hampshire SP10 3AJ will say as follows:

1. I am Lorraine Cooper an Environmental Services Officer and have been employed by Test Valley Borough Council since June 2008, but have been employed in this role since 1<sup>st</sup> July 2018. I am authorised to investigate Environmental Offences within the Borough
2. April 2018 attended the location of Churchill Way West, Andover and I took a photograph LC1 and LC2 this area is visible to passing traffic the vicinity is also a busy operating area for local and national business.
3. 18th July 2018 I attended the location of Old Down Road, Andover this location is an open space area with goal posts for local children to use. Whilst at the location I took photographs that I hereby exhibit as LC3, LC4, LC5, LC6, LC7 and LC8 The

photographs show the goal posts had been broken, bonfires had been lit, and garden waste removal had been undertaken and left at the location.

4. July 2018 Myself, Emma Wykes and Deborah Hughes conducted house to house enquiries with the properties on Old Down Road, Andover.
5. On 24 July 2018, persons unknown arrived at Church Hill Way, Andover, within the borough of Test Valley and encamped on there with vehicles, caravans and dogs. On the same day, these persons moved to land owned by Test Valley Borough Council at Old Down Road, Andover.
6. The persons do not have the permission of Test Valley Borough Council to be on that land.
7. On 25 July 2018 I inspected the land at Old Down Road, Andover with my colleague Emma Wykes on arrival of said persons. The land was in clean and well kept condition.
8. On the 27 July I inspected the site again with my colleagues Emma Wykes and Deborah Hughes whilst in the area talking with local residents. The land was in a clean and well kept condition.
9. On the 3rd August I inspected the site again with my colleague Deborah Hughes and I noticed a huge pile of garden waste near the footpath entrance.
10. During the week preceding 06 August 2018, the original persons were joined by others with further vehicles and caravans.
11. On the 6th August I and Deborah Hughes visited the site twice to provide sacks for waste the site is deteriorating in appearance due to waste escaping.
12. On the morning of 07 August 2018, in attendance with my colleague, Deborah Hughes, I again visited the land at Old Down Road, Andover. I found the land to be in an awful state. There was flytipped waste, both household and commercial and the area smelt very strongly of faeces. This is clearly anti-social behaviour and the council has received a number of complaints from members of the public.
13. On 07 August 2018 I at 1400 attended the land at Old Down Road along with Deborah Hughes and served on the persons present there, by hand, by attaching to vehicles and attaching to a post on the entry way to the land a Community Protection Notice Warning Letter requiring the person there to cease the following activities immediately:
  1. Keeping unauthorised vehicle and caravans within the Borough of Test Valley on land belonging to Test Valley Borough Council or others without permission.
  2. Defecating in a public place and/or on land belonging to others.
  3. Unlawfully depositing controlled waste.

14. I attached the Community Protection Warning Letter as exhibit LC9, the list of vehicles as exhibit LC10, photographs of service as LC11 and a certificate of service as exhibit LC12.
15. On 07 August 2018 I at 1505 again attended the land at Old Down Road along with Deborah Hughes. The persons on whom the Community Protection Warning Letter had been served were still in-situ, plus there was still fly-tipped waste, and had therefore failed to comply with the said Warning Letter.
16. I therefore served on the persons present there, by hand, by attaching to vehicles and attaching to a post on the entry way to the land on a Community Protection Notice reference TVBC/ODW/AL/002, in accordance with Section 43 of the Anti Social Behaviour Crime and Policing Act 2014, requiring the persons there to cease the following activities immediately:
  1. Defecating in a public place and/or on land belonging to others.
  2. Unlawfully depositing controlled waste.
  3. I attached the Community Protection Notice as exhibit LC13 and a certificate of service as exhibit LC14.
17. Keeping unauthorised vehicle and caravans within the Borough of Test Valley on land belonging to Test Valley Borough Council or others without permission.
  1. Defecating in a public place and/or on land belonging to others.
  2. Unlawfully depositing controlled waste.
  3. I attached the Community Protection Notice as exhibit LC13 and a certificate of service as exhibit LC14.
18. On 08 August 2018 at Midday I re-attended the land at Old Down Road, Andover with my colleague Deborah Hughes and the persons and waste were still in-situ. Therefore the person were in breach of the Community Protection Order. I issued summons to court paperwork to all caravans.
19. I hereby exhibit LC15, LC16 and LC17 a photos of the garden waste at Old Down Road.
20. 16th August 2018 I attend Test Valley Borough Council open space known as Charlton sports and Leisure ground, Andover and took photographs of the fly tipped waste these photographs were taken whilst the unauthorised encampment was still at the location. I hereby exhibit these as LC18 and LC19.
21. August 2018 I attended the location of Saxon Fields, Andover as this location was heavily occupied with people from the unauthorised encampment I only took a photograph from a distance I hereby exhibit this as LC20.
22. September 2018 I attended Churchill Way, Andover I took photographs that I hereby exhibit as LC21 and LC22. This location is visible to passers-by. Bonfires had been lit at the location scorching the hedge row.
23. November 2018 I attended Churchill Way, Andover I took photographs that I hereby exhibit as LC23, LC24, LC25 and LC26. This location is visible to passers-by. Bonfires had been lit and a large amount of garden waste was left at the location along with carpet, BBQ and a patio table and chairs set.
24. June 2019 Open Space at Roman Way Andover I attended the location just after the unauthorised encampment had vacated and I took the following photographs LC27,



LC28, LC29, LC30, LC31, LC32 and LC33. Household items such as food packaging, tinned cans, plastic bags full of waste untied and food waste along with toilet roll that had been used was left at the site. Hedge cuttings and tress cuttings were also left behind.

25. August 2019 I attended the open space and leisure football pitches on Picket Twenty the unauthorised encampment had left the location I took the following pictures whilst at the site LC34, LC35, LC36, LC37 and LC38 This encampment had 43 vehicles in total. A large amount of tree and hedge cuttings where left behind at the location.
26. 29th August 2019 I attended the Babbage House location this is a privately owned site on an industrial estate in Andover with an Asda supermarket within a one mile radius and the River Test running nearby. This location is visible to passing traffic and walkers. I took photographs LC39, LC40, LC41, LC42, LC43 and LC44 whilst at the location. This location was full of food waste packages, food waste, toilet roll used and scrap metal.
27. September 2019 I attended the open space on Picket Twenty after the unauthorised encampment had visited and I took photographs LC45 and LC46.
28. September 2019 I attended the open space on Roman Way, Andover after the unauthorised encampment had vacated and I took photographs LC47, LC48, LC49, LC50 and LC51. Food waste and household items where all over the open space including tyres.
29. September 2019 I visited the open space and public play park on Casterbridge Lane Weyhill, Andover LC52 is a photograph I took at the site whilst the encampment was at the location. I also exhibit photographs LC53, LC54, LC55, LC56, LC57, LC58, LC59 and LC60 photographs of the location after the encampment had vacated. Calor gas bottles, patio furniture, household food waste and packaging along with garden waste where left behind at the location. In various pockets on the open space used toilet roll was left along with human faeces.
30. 3rd September 2019 I attended one of Test Valley Borough Councils unoccupied locked units Plot 35 South Way on Walworth Industrial Estate, I could see that the main entrance to the site was padlocked but that an unauthorised encampment was inside it was clear they had broken the lock off gained access and then locked the gates from the inside with a padlock. Test Valley Borough Council estates Team and Hampshire Police removed the padlock and one of the doors to the site. Once the encampment had moved on I returned to the site and took photographs I hereby exhibit as LC61, LC62, LC63, LC64 and LC65.
31. September 2019 I was contacted out of working hours by PC Mark Potter from Hampshire Constabulary alerting me to the unauthorised encampment on the Andover athletics track in Charlton I attended the location and I spoke with a male from the encampment who asked me if they could stay at the location until they move on tomorrow I informed him that Test Valley Borough Council would not give them permission to stay at this location and that they needed to vacate.
32. October 2019 Site visit to the unauthorised encampment on Saxon Fields open space Andover. Whilst at the site I was approached by a local resident who wished to complain about the encampment and the state they left the open space in. Whilst at the site I took photographs that I hereby exhibit as LC66, LC67, LC68, LC69, LC70,

LC71, LC72 and LC73. Human faeces and used toilet roll where found on the open space.

33. On the 2nd March 2020 I attended the unauthorised encampment site at Greenwich Way, Andover I noticed a white transit van white in colour vehicle registration mark NA08 ONP this vehicle had garden waste hanging out of the back of it. I took photographs of the two vehicles at the location and I hereby exhibit these as LC74 and LC75.
34. On the 3<sup>rd</sup> March 2020 I returned to the Greenwich Way, Andover location with Emma Wykes senior Environmental officer, PC Helen McKennie and PC Elly Hughes we attend the site to issue waste carriers producers paperwork at the site there was two dogs loose one of these being a Jack Russell this dog was extremely aggressive biting the legs and ankles of both police officers.
35. On Friday 6<sup>th</sup> March 2020 I was made aware that the unauthorised encampment had moved on from Greenwich Way, Andover and so I attended the location and took photographs that I hereby exhibit as LC76, LC77, LC78, LC79, LC80, LC81, LC82, LC83, LC84, LC85, LC86 at the location we found human faeces and used toilet roll along with glass bottles, household waste not bagged, remains of a bonfire carpet and garden waste and car batteries.

#### 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



Name LORRAINE COOPER

Date 12TH MAY 2020.

Claimant  
Witness: Boyce Jeffery  
Dated  
Exhibits: BJ/01-49  
Claim no:

IN THE HIGH COURT

QUEENS BENCH DIVISION

BETWEEN:

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

Claimants

-and-

(1) ALBERT BOWERS AND OTHER NAMED DEFENDANTS  
LISTED IN SCHEDULE 1 OF THE CLAIM FORM  
(2 ) PERSONS UNKNOWN

Defendants

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FIRST WITNESS STATEMENT OF BOYCE JEFFERY

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I, BOYCE JEFFERY, of Test Valley Borough Council, Beech Hurst, Weyhill Road, Andover, Hampshire SP10 3AJ will say as follows:

1. I am Boyce Jeffery Senior Countryside Officer for Test Valley Borough Council I have been employed in this role since 2004.
2. **12<sup>th</sup> August 2018 Land at Charlton Lakes, Andover**
  - 2.1. On the 12<sup>th</sup> August 2018 at 08:40am it was reported that an encampment had been set up of numerous caravans and vehicles being parked on Council land at Charlton Lakes Open Space, Andover, Hampshire.
  - 2.2. On the 13<sup>th</sup> August 2018 as a result of the complaint, myself and Kevin Harrington (Parks and Countryside Manager) attended Charlton Lakes Open Space, there we found 5 vehicles and 4 caravans who were occupying the Council owned land illegally. Only one person (female) unknown was present on site.

- 2.3. There was also evidence of dogs and chicken on site. I exhibit the list of vehicles on site as "BJ/01".
- 2.4. The Gypsy Liaison Officer from Hampshire County Council was instructed to carry out the Welfare Check on the occupants of this site. The check was carried out at 10:00am on 14<sup>th</sup> August 2018. The welfare check did not identify any welfare needs, and recommended that a s77 Direction to Leave be served at the earliest opportunity. A copy of the welfare Check is attached at "BJ/02".
- 2.5. The site was visited on 18<sup>th</sup> August at 9:30am and a Notice of Hearing, as attached at "BJ/03", was delivered by hand to one of the occupants of a caravan. The same Notice of Hearing was also left attached to a bollard on site for information for the General Public to read.
- 2.6. A number of complaints were received during the period regarding the antisocial behaviour of the members of the encampment. These complaints are exhibited at "BJ/04".
- 2.7. A section 78 Order for Removal of Persons and Vehicles Unlawfully on Land was obtained on 22<sup>nd</sup> August 2018, as attached at "BJ/05". The site was vacated on 23<sup>rd</sup> August 2018.

**3. 20<sup>th</sup> August 2018 Land at Saxon Fields, Andover**

- 3.1. On the 21<sup>st</sup> August 2018 at 8:30am it was reported than an encampment had been set up comprising of numerous caravans and vehicles parked on Council Land at Saxon Fields Open Space, Andover, Hampshire.
- 3.2. On the 21<sup>st</sup> August 2018, as a result of the complaint, myself and Kevin Harrington (Parks and Countryside Manager) attended Saxon Fields Open Space, there we found 6 vehicles and 7 caravans who are occupying the Council owned land illegally. On attendance we spoke to numerous male and female (unknown) occupants of the above caravans and asked their intentions and informed them that they were occupying the land illegally.
- 3.3. The site was then visited at 3:30pm on 21<sup>st</sup> August and a notice of Direction to Leave Land was delivered by hand to occupants of the caravans outlined in paragraph 3.2. The same Notice of Direction to Leave Land was also left attached to a lighting column to the entrance to Elbe Way land opposite Saxon Fields Open Space, for information for the General Public to read. I exhibit the Notice of Direction to Leave Land as "BJ/06", and associated Certificate of Service as "BJ/07".
- 3.4. There was also evidence of dogs on site. I exhibit the list of vehicles on site as "BJ/08".
- 3.5. On the 22<sup>nd</sup> August 2018 the Notice of Application Hearing, attached at "BJ/09", was served by delivering it by hand to the persons present and by attached it to the

vehicles on the land. The Certificate of Service of the Notice of Hearing is attached at "BJ/10".

- 3.6. A s78 Order for Removal of Persons and Vehicles Unlawfully on Land was obtained on 23<sup>rd</sup> August 2018 and served on the persons on site. The site was vacated the following day.

**4. 28<sup>th</sup> May 2019 Smannell Road Open Space, Andover**

4.1. The Council is the owner of certain freehold land situated fronting Smannell Road Andover Hampshire such land being held by the Claimant as public amenity land ("the Land"), registered at the Land Registry under title number HP680510 a copy of the register is attached see "BJ/11". I refer to the map which I have attached at "BJ/12" and upon which I have indicated the Land by edging the same with a heavy red line.

4.2. At approximately 11:15am hours on 28<sup>th</sup> May 2019, we inspected the Land accompanied by my colleague Jenny Abery, Countryside Officer.

4.3. Upon the Land we discovered the presence of the following:  
Vehicles and caravans, photos attached at "BJ/13".

4.4. At the time of our inspection 4 vehicles and 4 caravans 4 toilet tents and 4 dogs with two kennels were residing on the land as per those recorded in the Welfare Report attached at "BJ/14".

4.5. It was noted at the time of our visit that fly tipping was present, see photos attached at "BJ/15".

4.6. At approximately 11:00am on 29<sup>th</sup> May 2019 I served the Notice of Direction to Leave, as attached at "BJ/16", on the occupants of the site.

**5. 5<sup>th</sup> August 2019 Picket Twenty Urban Park, Andover**

5.1. The Council is the owner of certain freehold land situated fronting to Picket Twenty Urban Park, Picket Twenty, Andover, Hampshire, such land being held by the Claimant as public amenity land, registered at the Land Registry under title number HP799443 a copy of the register is attached at "BJ/17". I refer to the map which I have attached at "BJ/18" to this witness statement and upon which I have indicated the Land by edging the same with a heavy red line.

5.2. At approximately 13:52pm on 5<sup>th</sup> August 2019, I inspected the Land accompanied by my colleague Charlotte Rimmer, Countryside Officer.

5.3. Upon the Land I discovered the presence of the following:

44 vehicles, comprising caravans, cars and commercial vehicles, please see attached spreadsheet at "BJ/19" for vehicles details and photos attached at "BJ/20".

- 5.4. Fly tipping of green waste was also present on site, photos of which are attached at "BJ/21".
- 5.5. At approximately 10:30am on 6<sup>th</sup> August 2019, I inspected the Land accompanied by my colleagues Charlotte Rimmer, Countryside Officer, Emma Wykes, Senior Environmental Services Officer, Debbie Hughes, Environmental Services Officer and were accompanied by Acting Inspector Chris Taylor and PCSO Chloe Dunmall. During this visit a Welfare Assessment was carried out and occupants were instructed to vacate the site immediately. See Welfare Assessment attached at "BJ/22".
- 5.6. At 1:35pm on 6<sup>th</sup> August 2019, Charlotte Rimmer, Countryside Officer, and myself visited the site and issued a Section 77 Notice of Direction to Leave Land, the land being unlawfully occupied as laid out above. The Notice was issued by hand to those that were onsite and where no one was around there were affixed to caravans. The Notice was also affixed to fences and bins around the site to inform the Public. Please see photos attached at "BJ/23".

**6. 29<sup>th</sup> August 2019 Plot 35 Walworth Business Park Andover**

- 6.1. The Council is the owner of certain freehold land situated at Walworth Business park Andover Hampshire, such land being held by the Claimant as derelict trade park land ("the Land"), registered at the Land Registry under title numbers HP667890, HP667761 and HP667965 a copy of the registers are attached at "BJ/24". I refer to the map which I have attached at "BJ/25" to this my witness statement and upon which I have indicated the Land by edging the same with a heavy red line.
- 6.2. At approximately 2:45pm hours on 29<sup>th</sup> August 2019, I visited the Land accompanied by my colleagues, Astrid Wood Estates and Economic Surveying Technician and Paul Cass Estates and Economic Development Maintenance Manager.
- 6.3. Upon the Land I discovered the presence of the following :
- 3 motor Vehicles and 5 caravans. Photos attached at "BJ/26".
- 6.4. At the time of our visit 3 vehicles and 5 caravans and four dogs were present residing on the land as recorded during the welfare assessment attached at "BJ/27". The fence had been damaged which had allowed them to access the land.
- 6.5. The Defendants have at no time been granted any licence or tenancy or lease or any other consent by the Claimant or any of its Officers to enter upon and occupy the Land and they remain on the Land as trespassers.
- 6.6. A further site visit was made at 11.45am on 30<sup>th</sup> August to service notice of Direction to Leave Land and to Remove Vehicle(s) and Other Property. I was accompanied by Kevin Harrington Parks and Countryside Manager for Community & Leisure. Notice were handed to persons unknown and instructed to read paperwork and leave the land by 1400 hrs on 30<sup>th</sup> August 2019. A CPN warning letter was also handed to persons unknown and explained to them. Notices were also affixed to the vehicles.

- 6.7. Whilst on site my Manager Kevin Harrington was bitten by a small dog on the ankle.
- 6.8. A section 78 Order for the Removal of Persons and Vehicles Unlawfully on Land was obtained on 2<sup>nd</sup> September 2019, a copy is attached at "BJ/28". The site was vacated following service of the order.
7. **3<sup>rd</sup> September 2019 Saxon Fields Open Space Andover**
- 7.1. The Council is the owner of certain freehold land known as Saxon Fields Andover Hampshire, such land being held by the Claimant as public open space land, comprising of the pieces of land outlined in black on the plan attached at "BJ/29".
- 7.2. At approximately 9:30am on 4<sup>th</sup> September 2019, I visited the Land accompanied by my colleague, Charlotte Rimmer, Countryside Officer.
- 7.3. Upon the Land marked "A" on the plan attached at "BJ/29", I discovered the presence of the following:  
11 motor vehicles and 9 caravans
- 7.4. At the time of our visit 11 vehicles and 9 caravans and four dogs were present residing on the Land. The dragons teeth (upright wooden posts) had been cut off at their base allowing access to the Land. Whilst on site we spoke to the people who were there at the time of our visit and notified them verbally that they were occupying the land illegally.
- 7.5. On the previous day I had visited an illegal encampment at Plot 35 Walworth Industrial Estate, the Council went to Court on Monday 2<sup>nd</sup> September to obtain an order under section 78 of the Criminal Justice and Public Order Act 1993 to make them leave the site. I noticed that at least 4 of the vehicles that had formed part of the Walworth encampment had moved to Saxon Fields namely  
LX19 ECD  
BV64 XDP  
ND04 VUX  
DV17 EZJ.  
Damage had also been caused to the Walworth site which enabled them to get on to that land. When I visited the Walworth site the occupants were very hostile and my colleague was bitten by one of their dogs.
- 7.6. The defendant had at no time been granted any licence or tenancy or lease or any other consent by the Claimant or any of its Officers.
- 7.7. I completed a welfare check to see if there was any reason why they could not be moved, no welfare issues were identified.
- 7.8. A further site visit was made at 11:50am on 4<sup>th</sup> September to serve Notice of Direction to Leave Land and to Remove Vehicles and Other Property. I was accompanied by Charlotte Rimmer, Countryside Officer for Community & Leisure. Notices were handed to persons unknown and instructed to read paperwork and

leave the land by 1500 hrs on 4<sup>th</sup> September 2019. One of the travellers became aggressive and verbally abusive towards myself and Charlotte Rimmer at which point we walked away.

- 7.9. The matter was listed for hearing before Basingstoke County Court on Friday 6<sup>th</sup> September at which point it was realised that highway land and other land had been included in the plan which accompanied the s77 notice which on strict interpretation could mean that the illegal occupiers travelling along the highway could constitute an offence. The decision was made to withdraw the application.
- 7.10. A further Notice of Direction to Leave under section 77 of the Criminal Justice and Public Order Act 1994 was served (by me personally accompanied by my colleague Charlotte Rimmer) on the occupiers of the Land at 15:50 on Friday 6<sup>th</sup> September 2019.
- 7.11. The illegal occupants did not leave the Land at the same group was still present on Monday 9<sup>th</sup> September 2019. On 9<sup>th</sup> September I received an email confirming that two incidents of anti-social behaviour had been reported to the police of the weekend concerning one of the dogs and verbal abuse. This email is exhibited at "BJ/30".
- 7.12. A section 78(1) Order was issued from Basingstoke Court on 10<sup>th</sup> September 2019 at 14:55 requiring the occupiers to leave the land marked "A". I attached a copy of the order at "BJ/31". This was personally served on the occupants unlawfully occupying the land at 16:20 on 10<sup>th</sup> September 2019 giving 24 hours notice to leave the land. The site was then visited at 16:45 on 11<sup>th</sup> September 2019 and the original occupants were still in situ.
- 7.13. Arrangements were made to have bailiffs present by Kevin Harrington, Parks and Countryside Officer for the morning of the 12<sup>th</sup> September 2019 for 8:00am for the removal of the occupants and vehicles.
- 7.14. I received an email at 06:42 from our Council Leader that some of the occupants seemed to be moving on to the Council's land marked "B" on the other side of the road. Kevin Harrington and I met the Bailiffs at 08:00 on 12<sup>th</sup> September 2019 and found that 4 vehicles and two caravans were still in situ at "A" and were in breach of the section 78(1) order. The other former occupants of the site had moved on to the open space marked "B" on the other side of the road. The bailiff proceeded to talk to the occupants and were present on site until their removal at 10:29. They also moved to the open space on the other side of the road to "B". I attach a photograph of some of the vehicles which were present at "B" at "BJ/32".
- 7.15. Whilst on site Kevin Harrington, Parks and Countryside Manager and myself spoke to the traveller on the land (see map 2) which is a piece of Public Open Space Land. I also carried out a further welfare check which I attach at "BJ/33". This shows the vehicles and persons present on the land at that time.



- 7.16. A section 77(1) Notice of Direction to Leave the Land and to Remove Vehicles and Other Property was served by Kevin Harrington Park and Countryside Officer and Simon Cahill, Green Space Projects Officer at 10:35am on 12<sup>th</sup> September 2019 requiring the occupants to leave by 3pm that day. I attach a copy of the s77 Notice at "BJ/34".
- 7.17. The occupants failed to leave, and so the Council made application to the Aldershot Magistrates' Court to obtain a section 78 Order for the Removal of Persons and Vehicles Unlawfully on Land. The Order was obtained on 13<sup>th</sup> September 2019. Attached at "BJ/35".
8. **17<sup>th</sup> September 2019 Smannell Road Andover**
- 8.1. On the 17<sup>th</sup> September the Claimant was informed that an encampment had been set up on Public Open Space owned by the Council at Smannell Road in Andover. I attended site with Charlotte Rimmer, Countryside Officer, and carried out a Welfare Report and recorded the vehicles present. The report is attached at "BJ/36".
9. **20<sup>th</sup> September 2019 Casterbridge Lane, Weyhill, Andover**
- 9.1. The Council is the owner of certain freehold land situated at Casterbridge Lane Weyhill Andover Hampshire, such land being held by the Claimant as public open space land, registered at the Land Registry under title number HP611071, a copy of the registers are attached at "BJ37". I refer to the map attached at "BJ/38" upon which the land is indicated by edging the same with a heavy red line.
- 9.2. At approximately 11:30am on 20<sup>th</sup> September 2019, I visited the land accompanied by my colleague, [REDACTED].
- 9.3. Upon the land I discovered the presence of the following:  
1 motor vehicle and 3 caravans. Photographs are attached at "BJ/39".
- 9.4. At the time of our visit 1 vehicle and 3 caravans and four dogs were present residing on the land. The five bar wooden gate which was padlocked had been cut off which had allowed them to access the land. Whilst on site no one was present to speak to. Four dogs were present on site, two of them of which were tethered. We spoke to three residents whilst on site who were concerned that the travellers were occupying the site and one gentleman had cancelled his weekend away due to fears of their property being broken into. The other two residents we spoke to we reassured that we were working with our legal team in order to remove them.
- 9.5. The Defendants have at no time been granted any licence or tenancy or lease or any other consent by the Claimant or any of its Officers to enter upon and occupy the Land and they remain on the land as trespassers.
- 9.6. A further site visit was made at 14:45pm on 20<sup>th</sup> September and I was accompanied by [REDACTED] and a notice of direction to leave the land was affixed to a vehicle and 3 caravans present at that time. A copy of the

notice of direction to leave is attached at "BJ/40". Whilst on site one of the dogs approached me and bit me on the ankle of which I have received treatment for.

- 9.7. On 23<sup>rd</sup> September I was accompanied by Kevin Harrington (Parks and Countryside Manager) to serve notice of application of hearing, attached at "BJ/41". Notices were handed to persons unknown present on site at the time. Of which there were 3 women, 3 men and 5 children.
- 9.8. Whilst on site a fire was burning of which was giving off black smoke, Kevin Harrington spoke to one of the travellers, name unknown, regarding this and he said it would be out in 10 minutes.
- 9.9. It was also noted that a white transit van NA08 ONP was also present on site at the time of the visit.
- 9.10. As at 23<sup>rd</sup> September 1:30pm we had received 5 written complaints regarding the encampment relating to theft of fencing, CCTV cameras and astro turf and complaints relating to fires on the site.

**10. 29<sup>th</sup> September 2019 Saxon Fields Open Space, Andover**

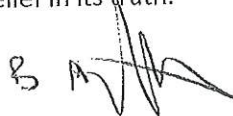
- 10.1. The Council is the owner of certain freehold land situated at Saxon Fields Open Space Andover Hampshire, such land being held by the Claimant as Public Open Space land, registered at the Land Registry under title numbers HP693693, HP606294 and HP599330. A copy of the registers are attached at "BJ/42". I refer to the map which I have attached at "BJ/43" and upon which I have indicated the land by edging the same with a heavy red line.
- 10.2. At approximately 15:58pm on 29<sup>th</sup> September 2019, I was contacted by PC Potter from Hampshire Police to highlight an encampment of travellers occupying the athletics ground at Charlton in Andover, photos are attached at "BJ/44". At the time of my site visit there were 11 caravans and 12 vehicles present. The police confirmed that a section 61 could be used, and then after confrontation with the police the travellers vacated the site.
- 10.3. At 7:20pm I received information that the travellers had broken on to the site known as Saxon Fields Open Space, by means of removing a dragons tooth (piece of wood concreted in the ground to prevent vehicular access), with the police present I spoke to one of the travellers who presented himself as the lead traveller and explained to him that at no time had we given authority for them to access the land and said they could not stay and would be working to pursue legal matters to remove them from the land. Upon the land I discovered 12 vehicle and 11 caravans. Photos are attached at "BJ/45".
- 10.4. The site was visited on 30<sup>th</sup> September by myself and Kevin Harrington (Parks and Countryside Manager) and a welfare assessment was carried out to those present on site. I exhibit the assessment at "BJ/46".

- 10.5. At 3:00pm of 30<sup>th</sup> September a Notice of Direction to Leave the Land was hand delivered to the occupants on site. I exhibit this at "BJ/47".
- 10.6. At 11:00am on 1<sup>st</sup> October a Notice of Application Hearing was hand delivered to the occupants on site. I exhibit this at "BJ/48".
- 10.7. A section 78 Order for the Removal of Persons and Vehicles Unlawfully on Land was obtained on 2<sup>nd</sup> October 2019, a copy is attached at "BJ/49". The site was vacated later the same day.

#### 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



Name

Boyce Ambrose Jeffery

Date

18-05-2020

Claimant  
Witness: Rod Mason  
Dated  
Exhibits  
0  
Claim no:

**IN THE HIGH COURT**  
**QUEENS BENCH DIVISION**  
**BETWEEN:**

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

**Claimants**

**-and-**

**(1) ALBERT BOWERS AND OTHER NAMED DEFENDANTS**  
**LISTED IN SCHEDULE 1 OF THE CLAIM FORM**  
**(2 ) PERSONS UNKNOWN**

**Defendants**

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**WITNESS STATEMENT OF ROD MASON**

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I, ROD MASON, of Test Valley Borough Council, Beech Hurst, Weyhill Road, Andover, Hampshire SP10 3AJ will say as follows:

1. I am Rod Mason and I am the Animal Welfare Officer for Test Valley Borough Council. I have been a dog warden since 1998 and prior to that I have had 10 years of experience working in various areas of animal husbandry including close protection security dog training and handling as well as stable management. I am a qualified dog handler and have trained in house at Test Valley to meet the needs of my role.
2. I am writing this statement in relation to my involvement with unauthorised encampments on land in the Borough of Test Valley. I would estimate that I have attended at least 90% of the unauthorised encampments over the last 2 years, this is because inevitably these encampment always produce some complaints in relation to dogs. These may not always be formal complaints they may come from twitter or Facebook, the police or colleague or more formally from the customer service centre.

3. I was say that my visits are invariably always the same and as a result I do not routinely record them. I will attend because there have been complaints about dogs roaming free or barking or generally making a nuisance of themselves. I will try to give advice on site about leaving out water, micro chipping and I offer to microchip the dogs free of charge whilst I am on site. I also advise them to keep dogs under control and about fouling in public places. I have also had to make them aware about suspected disease outbreaks in the local area. I am inevitably met with a large amount of verbal abuse, intimidation and aggression. Sadly this is the norm when I visit, members of the public often approach me and tell me they have been avoiding the encampment area because they feel threatened and are worried for their dogs safety. The encampment often leave large areas of litter and debris which can be injurious to animals. The RSPCA receives 5,000 calls a year regarding litter. Plastic bags broken glass and other litter can harm wildlife and domesticated pets. I would only document my visits if there were actionable animal welfare issues. That is not to say I do not find multiple dogs barking or running loose and causing nuisance however as I have said I would view this as the norm. I have documented two incidents and I detail these below.
4. On the 6<sup>th</sup> July 2018 at 10am I was responding to complaints regarding dogs at an encampment in Churchill Way West by the pedestrian underpass. The complaint was that the dogs were tethered in the sun and had no access to water. On arrival I could see the dogs were out in full sun with no water. I asked one of the travellers who the dogs belonged to but he said he didn't know who the owner was. I informed him that if they did not have an owner they were strays and I could seize them, at this point the man said they belonged to a cousin or brother who wasn't there. I gave the man formal instructions to give the dogs water and move them to the shade. The man became abusive and said "I am being grassed on snitches get stitches". I told him again to give the dogs water and shade, during the conversation another male appeared he was also shouting abuse and told me that I must show them some respect, the dogs were given water while the males continued to shout abuse. The dogs drank greedily from the bowls which told me there were very thirsty. I informed them that if I found the dogs without water or shade again I would be taking them into my possession.
5. I returned to the site on the same day at 13:15 and two dogs did not have shelter or water and were in full sun, there were a number of females present I cautioned one of them and told them I would be taking the dogs to the local vets to check their hydration levels. I was met with a barrage of verbal abuse throughout the visit. I explained that any person present would be considered to be in charge of the dogs and should have ensured they had water and shelter. I took the dogs to the vets they were checked and I then gave them water. Both dogs were thirsty and drank deeply. The vets were satisfied with the dogs condition although they had clearly been very thirsty.
6. I went back to the site accompanied by the police and I returned the dogs, I advised the people present on site that as my instructions earlier in the day had been ignored, I had visited again and found these dogs without shade or water and so had seized them and if it happened again I would seize the dogs and prosecute them under the Animal Welfare Act 2006.
7. During this visit I again advised them of what they needed to do and where they could find the vets, this was quite difficult as they were shouting at me the whole time. I then suggested that they put the dogs behind the caravan as it was sheltered but the police officer on site said that it was not a good idea as this was where the family had been

defecating. We agreed a spot by the hedgerow was sufficiently sheltered. When I and other Council staff visited the site after this we checked the dogs were ok and had water.

8. Another incident occurred on the 9<sup>th</sup> September 2019, on this date I was called by our out of hours contractor to let me know a puppy with parvovirus had been collected from the local vets and taken to a veterinary hospital. Parvovirus is a highly contagious disease, its spread from dog to dog by direct or indirect contact with their faeces. The virus attacks a dogs intestines and stops them from being able to absorb nutrients. It's incredibly important to inoculate dogs against the disease as it has a very high fatality rate.
9. I needed to investigate quickly to try and mitigate against an outbreak in the area. I spoke to the vets and looked at their paperwork to ascertain where the puppy was found and I also spoke to the communications team at the Council so that I could get a press release ready to put out. The location that the puppy was found was very close to an unauthorised encampment. I was aware that they had a lot of dogs including young dogs so I made arrangements to visit and warn them in person.
10. I arranged to visit with the local police as I had been advised by my manager and the police not to visit alone. On arrival I spoke to a male who had a Chihuahua crossbreed, I explained the situation and asked him to check that all of his dogs vaccinations were up to date. He said the vaccination cards were in Ireland, so I suggested that if anyone had access to them they could send a photo to his mobile and he could if he was unsure check them with the local vets.
11. The man then suggested I speak to another person who was on the other side of the playing field. I walked across and repeated what I had said to the first man and was met with a barrage of abuse and profane language not only from the person I was speaking to but also from other occupiers of the site. They were shouting. Not listening to what I was trying to say, swearing and name calling as well as threatening me they said things like "I wouldn't hang around if I was you" and telling me to "fuck off". They surrounded me and were screaming in my face accusing me of saying things that I had not said. I was with several police officers who were also being abused by them. One of them shouted at the top of his voice which appeared to be done to intimidate us. They were shouting that local residents were coming around their caravans and littering so they would get in trouble. They were also making sudden and threatening gestures which seemed to be an attempt to make me flinch. I perceived all of this as intimidation to try and prevent me from doing my job.
12. When it was obvious that the intimidation was not working they appeared to have calmed down but were still unpleasant and abusive. I was then able to give me normal advice about animal welfare such as supplying and filling up the water bowls, none of the dogs had water when I came onto site. The dogs running lines were also tangled and I advised them to untangle them so they could reach the water. I also explained why the dogs needed to be vaccinated especially the puppies. They said the puppies were kept away but I pointed out the mothers were walking around and if they walked on contaminated ground they could transfer the virus. I also explained that they themselves could transfer it.
13. I spoke to several residents on my way out to the car park, they told me they were so intimidated by the behaviour of the people from the encampment that they were no longer using the car park, they were also concerned about the large amount of rubbish the site seemed to be generating which included excrement and broken glass they were concerned

about the potential harm to children and pets. As we spoke the environmental services team were on site removing large piles of rubbish.


14. On the 3<sup>rd</sup> of March I was contacted by Hampshire Police asking if I would attend an encampment on Greenwich Way in Andover as there were dogs roaming loose in the area. I arrived at 15:00 and saw that there were three dogs loose in the road.
15. I immediately took possession of two of the dogs. There were caravans on the road but no people inside them. The dogs had no identification tags or microchips. I therefore seized both dogs in my possession which were a tiny Jack Russell Pup and a lurcher.
16. The third dog in the area was aggressive and elusive. It was the dog that had bitten three police officers in the course of their duties. I was also aware that out street cleansing staff were reluctant to go into the area because the dog was aggressive and the staff at the Aster Depot commented on the dogs going into their compound.
17. I took the seized dogs to our stray dog kennels and shortly thereafter I had messages to ring Albert Bowers, a James Bowers and a Margaret Bowers. I called Margaret Bowers and she was shouting and abusive down the phone. I tried to explain what had happened but she handed the phone to James Bowers who began shouting and being abusive.
18. I did manage to clearly and firmly tell the Bowers that the dogs had been seized as strays and were being treated as such and I would be in touch the next day. I had to hang up as they kept shouting and being abusive.
19. On the 4<sup>th</sup> of March I have several messages from staff who were asking me to call the bowers who had called in and been shouting at them down the phone. I spoke to Margaret Bowers again and explained that the dogs were in kennels and the release fees would need to be paid before they could be claimed.
20. I drafted an EPA section 149 notice for the stray dogs and a CPN warning notice insisting that the dogs were not allowed to be at large in any public place, not left unattended, microchipped, had a tag and the correct identification.
21. The Notices for Albert, James and Margaret Bowers who had all collectively claimed ownership of the dogs were served on Margaret Bowers in Greenwich Way. She stated that Albert and James had already gone to collect the dogs.
22. There were other travellers at the site who were taking it in turns to argue and be abusive towards me so after I had served the notices, explained their content, my expectations and what action I would take if they were not adhered to, I left the site.
23. I called the kennels to let them know that the owners of the dogs were to the way and then called back later to see if the dogs had been collected. The staff told me that the Bowers had been extremely abusive to the staff who were mostly young females.
24. When they told me that the Bowers had refused to give their details and given their names as George Arthur of 3 Whitely and they were verbally abusive I instructed the staff to report this to their manager and the police and get an incident number. I checked that the reception had CCTV and that the CCTV had sound which the staff thought that it did.

25. I visited Andover Police station and spoke to SGT Catherine MacDonald to let her know that I had instructed the staff to report the incident to the police as the staff at our kennels were very distressed by the verbal assault they had encountered.

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



Name ROD MASON

Date 11-06-2020



Claimant  
Witness: Tracey Ann Wilson  
Dated  
Exhibits  
2  
Claim no:

**IN THE HIGH COURT**

**QUEENS BENCH DIVISION**

**BETWEEN:**

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

**Claimants**

**-and-**

**(1) ALBERT BOWERS AND OTHER NAMED DEFENDANTS  
LISTED IN SCHEDULE 1 OF THE CLAIM FORM  
(2 ) PERSONS UNKNOWN**

**Defendants**

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**WITNESS STATEMENT OF TRACEY ANN WILSON**

---

I, TRACEY ANN WILSON, of Test Valley Borough Council, Beech Hurst, Weyhill Road, Andover, Hampshire SP10 3AJ will say as follows:

1. I make this statement in support and on behalf of the First Claimant, Test Valley Borough Council in its application for an injunction and interim injunction to prevent the named Defendants and Persons Unknown from forming further unauthorised encampments on the areas within Test Valley Borough Council's administrative area which are outlined in red on the plan attached to the draft order attached to the Claimant's application. When I refer to the Claimant in my statement I am referring to the 1<sup>st</sup> Claimant.
2. I am the Corporate Legal Services Manager at Test Valley Borough Council and have held this post since November 2018. I am the line manager for 5 lawyers within the legal team, one of these is the litigation lawyer and as part of my role I will attend hearings and collate and assess evidence for prosecutions. I also liaise and attend meetings with instructing departments and assess and assign work.

3. Since I have been in post I have spent a significant amount of my time dealing with illegal encampments. Drafting notices and attending court and advising clients. I have worked in local government for over 20 years and throughout that time I have dealt with illegal encampments. I have noticed a change in recent years and certainly since I started working in my present post. The encampments I have dealt with in the last few years have invariably been ones where damage has been caused in order to access the land, there has been anti-social behaviour whilst the land was occupied and there has been waste and mess left on the land. In the last 12 months I have also noticed that the occupiers have been harder to remove and bailiffs have had to be instructed even after a court order has been obtained.
  
4. I have been collating some of the reports and contacting some of the residents who have complained. I spoke to a few of the residents who have agreed to provide statements, I asked them to send me details of everything that they had seen and heard and I transferred these details into statements which I sent back to them. Three residents signed and returned them to me but all of the residents who returned signed statements asked me to redact their names and details because they did not want to be identified as they were fearful of reprisals. These statements have been redacted and will be provided as anonymous resident statements. A fourth resident gave me details of her experience over the phone but did not return her statement. I will call her "Miss A" she told me;
  - I. *The main issues I have experienced are the rubbish and waste left behind by the travellers and the dogs and children which roam wild and curtail the use of the open spaces they occupy.*
  - II. *Last year was particularly bad and they seemed to be in different places around the area on a monthly basis often staying for a week.*
  - III. *On one occasion I complained to the Council, they first arrived on or around the 1<sup>st</sup> January 2019 on Augusta Park Andover, there were number of caravans. Small dogs were tied in between the caravans. A number of the travellers were sat in chairs in a circle on the grass making it impossible to make your way through them.*
  - IV. *I have a young child and I had to take them to nursery school, I would normally have walked through that area but I crossed the road to avoid them. I did not feel comfortable walking with my child near them. The dogs were barking and their children were running in and out of the play park and around the caravans. I also did not take my child to the play park while they were there.*
  - V. *When they left the area was disgusting there were about 6 or 7 piles of faeces I wasn't sure if this was human or animal. There was rubbish everywhere some had been placed in black rubbish bags which had been left but there was also a lot elsewhere.*
  - VI. *Each time they visited throughout the summer they left rubbish faeces and debris behind. It also stopped me and others from using the land, until it had been cleared*
  
5. I also obtained copies of facebook comments and incident reports from our customer services team. A spreadsheet of the complaints to customer services is attached and marked TAW/1, many of these are just reports that an illegal encampment has arrived but many include issues re damage or nuisance. I will go through some of the damage and nuisance complaints in my statement to highlight some of the issues that residents are facing.

6. I also telephoned and spoke to a local business owner that had been impacted by the illegal encampments over the last 12 months, they wanted to provide evidence as to the impact on their business, but were extremely concerned about reprisals. The nature of the information that they gave me in relation to their business and how it had been impacted would have endangered their anonymity. They were not happy to risk identification because of the possible repercussions to their business, their family and their property
7. On the 11<sup>th</sup> July 2018 the Claimant received a report that travellers were in the Scott centre car park in Mead End Road one of the posts had been cut off and propped against the other to enable the illegal occupants to gain access.
8. On the 16<sup>th</sup> August 2018 a customer reported travellers camped on Charlton Lakes leisure centre they said the children were very noisy at night. Another customer on the same day reported that they had lit a fire the flames were going up to 8 feet at times there was a lot of litter that the customer was picking up
9. On the 17<sup>th</sup> August 2018 the Claimant received a complaint of more travellers arriving at the green to the rear of Tiberius Road on Smannell Road. They had dug holes into the land so they could put the wheels of their trailers in so they don't move.
10. On 20<sup>th</sup> August 2018 the Claimant received a report of travellers at Charlton Park at the entrance to the field, intimidating, throwing toilet waste into the river, dogs off the lead chasing other dogs. Touting for business in the area asking if they wanted trees cut.
11. The Claimant received a number of reports of travellers on Saxon Fields on 21<sup>st</sup> August 2018 one said they were cutting large chunks of wood in an industrial cutting machine, driving vans up the pavements to get to the fields and they had large gas canisters. Branches from trees were broken to gain access. Tyre marks all over the grass. Children screaming dogs tied to trees constantly barking through the night. Washing hanging in trees.
12. On the 19<sup>th</sup> September 2018 the Claimant had five calls about travellers at the sports pavilion at Picket twenty the fence had been removed and damaged.
13. On Friday 25<sup>th</sup> May 2019 the Claimant received two reports of a deposit of waste in the vicinity of Saxon Heights in Andover a tipper truck registration number WP52 YJE that had been part of the illegal encampment had been seen to reverse with a full load of what appeared to be garden/tree waste tip up then drive away empty. The registered keeper of the vehicle is Mr Henry Loveridge 14 Kalima Cravan site. Mr Loveridge and his wife attended Basingstoke Magistrates court on the 18<sup>th</sup> March 2020 and he pleaded guilty to an offence under section 34 of the Environmental Protection Act 1990 I was the prosecuting lawyer on the day. The Magistrates sentenced Mr Loveridge to a Band E fine reduced for early guilty plea to £320.00, Victim Surcharge £32.00, Costs £375 representing investigation and cleanup. The chair said they had considered a disqualification but had decided in the circumstances not to make a disqualification order.

14. On the 28<sup>th</sup> May 2019 the Claimant received reports of travellers at Smannell road, causing noise, pollution(fires) and rubbish, further reports were received of loud music barking dogs
15. On the 5<sup>th</sup> August 2019 the Claimant received 9 complaints in relation to travellers that had turned up at Picket Twenty sports fields, these included complaints of; damage to enter by chopping down the wooden posts using a chainsaw, throwing the posts into the hedge after they were removed, damage to fencing, riding round the park on quad bikes, parking around the perimeter. Seven further reports were received on the 6<sup>th</sup> August 2109 which included a report that a dog walker had been unable to access part of the park and had walked a different way was faced with a person driving a red ford fiesta and a ford transit van up the footpath. Another resident reported seeing a lady defecating in the hedge and that toilet paper could be seen throughout the area.
16. Reports were also received in August 2019 about a building called Babbage House in Andover the building was I believe empty pending redevelopment and owned by Robert Cort Properties. Complaints were received that the area around the building had been occupied by travellers, loud music could be heard, in addition someone reported children screaming dogs barking generators running and buzzing and adults shouting into the early hours of the morning. It was reported that someone had seen them breaking into an outbuilding which they thought was being used as a toilet.
17. I gathered the facebook comment reports I exhibit these as TAW/ 2. On the 12<sup>th</sup> September 2019 Test Valley Borough Council posted on social media *"we are aware of an unauthorised encampment in the Saxon Fields area, where travellers have gained entry without permission. We are doing everything in our powers to move them on. We will offer updates as soon as we have them"* the following are some of the facebook comments received;

*"Its been a nightmare, over a week and a half, the rubbish, the noise, and now they are just across the road... tvbc need to wake up and smell the roses. They were in a carpark behind Asda for over a week, it cost 2grand and several skips to clear the land, they moved to walworth but where only there a matter of days, so how comes it takes nearly two weeks to get them feom saxon fields?"*

*I wonder how TVBC would react if they pitched up in their car park?! Bet they wouldn't leave them there for days on end!!*

*time you went down the same road as Basingstoke council and put a stop to them for good*

*Maybe you should have put the concrete blocks back*

*They have been there a week now They were being evicted this morning but have moved across the road to the other field☺ they occupied this other field last year and after they were removed concrete blocks were put on the path to block access. Good idea but then these blocks were removed some weeks later!!! We need a permanent solution to these people, a borough wide banning order.*

@ Test Valley Borough Council why don't you put your heads together and find a place where these people can live they have human rights to

What you should of done was leave them on Walworth in the old Ducal premises at least they were not causing disruption there, although I doubt a single padlock will stop them returning"

18. On the 17<sup>th</sup> August the Council posted the following;

*"We are aware of the travellers on the open space at the corner of Smannell Road and Roman Way and are working to move them on as quickly as possible."*

*"TVBC should monitor them for fly tipping. Discreet wireless CCTV should capture the necessary evidence. Get the police to impound all untaxed/MOT'd/insured vehicles.*

So they moved far then? Come on tvbc.. this is not on.

The land they are now on is owned by Taylor Wimpey, I counted nine caravans up there but none by the church, obviously they have moved down the road a bit. They are well out of the way, the land they are on is devoid of wildlife, they have never caused me any problems. I also live in Hedgerow Walk. Dog walkers need to make a wide berth if them tho because the do tend to leave their excrement on the land"

19. Three reports were received on 20<sup>th</sup> September 2019 in relation to a forced entry and illegal encampment in Casterbridge next to a childrens play area one of the people reporting was a terminally ill elderly woman who said they had intimidated her when they were there previously. Five further reports were received on 23<sup>rd</sup> September 2019 one of these sated that 2 rolls of astro turf had just been stolen from cocos and is now outside one of the doors of the caravan another reported the theft of a line of fencing and a security camera. A report was received that they had forced entry from one site to another and had ripped down the security camera. Another customer reported that he had witnessed travellers at Casterbridge lighting a fire and then putting cables on to strip them for the metal inside. He also witnessed them putting cables in a hedge possibly to strip them later. The first was right by a hedge and near the playground, in his view he thought it was dangerous to passers by and said it had been started with fuel from a can.

20. On 30<sup>th</sup> September 5 reports were received in relation to an encampment at Saxon Fields I was informed that one of the nearby shop owners had closed his shop and would not be opening again until they were moved on because of issues that they had previously had

#### 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

Name Tracey Ann Wilson

Date 11<sup>th</sup> May 2020

Claimant  
Witness: Lorna Taylor  
Dated  
Exhibits: LT/01  
Claim no:

IN THE HIGH COURT  
QUEENS BENCH DIVISION  
BETWEEN:

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

Claimants

-and-

(1) ALBERT BOWERS AND OTHER NAMED DEFENDANTS  
LISTED IN SCHEDULE 1 OF THE CLAIM FORM  
(2 ) PERSONS UNKNOWN

Defendants

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FIRST WITNESS STATEMENT OF LORNA TAYLOR

---

I, LORNA TAYLOR, of Test Valley Borough Council, Beech Hurst, Weyhill Road, Andover, Hampshire SP10 3AJ will say as follows:

1. I make this statement in support and on behalf of the First Claimant, Test Valley Borough Council in its application for an injunction and interim injunction to prevent the named Defendants and Persons Unknown from forming further unauthorised encampments on the areas within Test Valley Borough Council's administrative area which are outlined in red on the plan attached to the draft order attached to the Claimant's application.
2. I am a Principal Environmental Health Officer at Test Valley Borough Council. I have worked in Environmental Protection at the Council since 2006, and have held my current post as Principal Environmental Health Officer since July 2018.
3. Over the past two years we have received complaints relating to noise and anti-social behaviour of unauthorised encampments in the Borough of Test Valley. I have summarised the complaints I have received below.

4. Babbage House at Anton Mill Road – August 2019

- 4.1. Complaints were received concerning the smell of waste which was accumulating at the Babbage House site.
- 4.2. On the 27<sup>th</sup> August 2019 I visited a nearby resident who was quite distressed.
- 4.3. On this visit I noted that as I walked along the Mead Hedges footpath adjacent to Babbage House there was rubbish and dirty nappies strewn along the boundary area, and there was a notable odour of urine past the dog bin.
- 4.4. When at the nearby resident's property I noted that there was a smell from the site, but this was not notable in their property or on their patio. I recorded that the odour impact was at the time an annoyance, but it was foreseeable that this would get worse, although the weather during the visit was very warm and sunny. A photograph of my notes I recorded at this time are exhibited at "LT/01".
- 4.5. It was clear that the build-up of domestic refuse on the land surrounding Babbage House was notable in just the last few days. With such waste it was foreseeable that it would attract vermin and lead to flies.
- 4.6. There was also noise from various activities on the site, principally shouting and generators. This noise was disturbing the neighbours, and had the potential to be a significant issue over any protracted period. There was a clear impact from the site of smell, litter/rubbish and noise.
- 4.7. We were aware early on that the landowner was dealing with the matter because we had previous correspondence with them regarding keeping the property secure.

5. Cricketers Way/Roman Way

Generally twice a year complaints are received regarding noise from travelling show people associated with the fair at Cricketers Way/Roman Way. These are limited to one or two residents.

6. I do not recall involvement with any of the other encampments that have passed through in the last couple of years. The impact of unauthorised encampments is generally greater on the Council's Animal Welfare Officer, Environmental Services and Community and Leisure Services. Although we are often usually aware that the encampments are there, we are slightly removed from direct contact with residents.


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

Name

Date

  
CORNA TAYLOR  
4th May 2020

Claimant  
Witness: Dominic Harding  
Dated  
Exhibits  
0  
Claim no:

**IN THE HIGH COURT**  
**QUEENS BENCH DIVISION**  
**BETWEEN:**

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

**Claimants**

**-and-**

**(1) ALBERT BOWERS AND OTHER NAMED DEFENDANTS**  
**LISTED IN SCHEDULE 1 OF THE CLAIM FORM**  
**(2 ) PERSONS UNKNOWN**

**Defendants**

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**WITNESS STATEMENT OF DOMINIC HARDING**

---

I, DOMINIC HARDING, of Test Valley Borough Council, Beech Hurst, Weyhill Road, Andover, Hampshire SP10 3AJ will say as follows:

1. I am Dominic Harding a Street Cleaning Operative with Test Valley Borough Council. I have been employed in this role since February 2020.
2. On Wednesday 04 March 2020, I visited the illegal encampment, located on Greenwich Way, Andover to carry out Street Cleaning duties, which form part of my role.
3. On arrival at the location, there was broken glass on the public highway and public footpath.
4. The litter bin, that I am employed to empty for the use of litter and dog waste, was full and overfilled with other waste items that are not permitted in this bin.
5. There is a large bonfire on the grass verge, which is becoming larger.
6. The whole area that the encampment is sited on was full of litter and waste, including toilet roll and human faeces.



7. As I did not feel safe carrying out my duties by myself, my Supervisor arranged for another employee to work with me.
8. At the site I was approached by one of the occupants of the encampment and they asked for bags, in which I gave.
9. There was a loose dog at the site and I did not feel safe with the dog loose. My Supervisor informed me not to return to the site.

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 

Name DMARDING.

Date 20.03.20

Claimant  
Witness: Ian Hodson  
Dated  
Exhibits: IH/01-03  
Claim no:

IN THE HIGH COURT  
QUEENS BENCH DIVISION  
BETWEEN:

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

Claimants

-and-

(1) ALBERT BOWERS AND OTHER NAMED DEFENDANTS  
LISTED IN SCHEDULE 1 OF THE CLAIM FORM  
(2 ) PERSONS UNKNOWN

Defendants

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FIRST WITNESS STATEMENT OF IAN HODSON

---

I, IAN HODSON, of Test Valley Borough Council, Beech Hurst, Weyhill Road, Andover, Hampshire SP10 3AJ will say as follows:

1. I am Ian Hodson and I'm employed by Test Valley Borough Council as an Environmental Services Street Cleaning Supervisor.
2. Environmental Services cleared waste from Saxon Fields open space on Monday 9<sup>th</sup> September 2019 I hereby exhibit photograph "IH/01", "IH/02" and "IH/03" photographs of the waste we removed. The waste collected was general household waste including nappies, human faces and used toilet paper. We also had to remove waste that had been thrown up into the trees around the Children's playground area. This waste was nappies and food waste. The weight of the waste we removed was 1000KG.
3. On Saturday 14<sup>th</sup> September 2019 Environmental Services out of hours service was called and asked to clear waste following the eviction of the unauthorised encampment at the open space opposite the shop on Saxon Fields. The weight of the waste we removed was 500KG. No photos were taken at this time.

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 *I. Hodson*

Name *I. Hodson*

Date *20.5.2020*

Claimant  
Witness: PC Mark Potter  
Dated  
Exhibits  
1  
Claim no:

**IN THE HIGH COURT**  
**QUEENS BENCH DIVISION**  
**BETWEEN:**

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

**Claimants**

**-and-**

**(1) ALBERT BOWERS AND OTHER NAMED DEFENDANTS**  
**LISTED IN SCHEDULE 1 OF THE CLAIM FORM**  
**(2 ) PERSONS UNKNOWN**

**Defendants**

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**FIRST WITNESS STATEMENT OF PC MARK POTTER**

---

I, PC MARK POTTER, of Hampshire Police will say as follows:

1. On Thursday 29<sup>th</sup> August 2019 I was on duty in full uniform when I was called to assist TVBC with a travellers encampment on Southway, Walworth Industrial Estate, Andover where entry had been forced to the site and an additional lock had then be placed on the gate. Following liaison with TVBC the lock placed on the gate was removed and one of the gates was removed from the hinges to prevent the travellers from making any further attempt at preventing TVBC employees accessing the site.
2. On Sunday 29<sup>th</sup> September 2019 I was on duty in full uniform when at approximately 14:30 hours I was directed to attend the athletics track, Portway Industrial Estate, Andover following reports of travellers moving onto the site.
3. Upon arrival there were a number of cars, vans and caravans setting up round the track and grassed area surrounding it. I spoke to a number of the males setting up and made it clear that they were not welcome at the facility and discussions were being had with regards to

using Police powers to remove them. As a group they were abusive and difficult attempting to intimidate me in my decision making. Whilst I was present the youngest of the children were encouraged to damage the white inner ring of the track. A theft was also reported from the nearby McDonalds drive through, that car arrived on the site a short time later. Upon the arrival of the duty Inspector further discussions were had and as a result they moved from the athletics track to another site within Andover.

4. I also took 34 digital images of the site mainly of the damage cause to the athletics track, plastic inner ring and items thrown from the site such as the steps used for the starting of races and damaged items from within which I make available to the court as exhibit MP01.

#### 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



Name

k 3280 Mark Potter

Date

26/5/2020

Claimant  
Witness: Ben Hamilton  
Dated  
Exhibits  
1  
Claim no:

**IN THE HIGH COURT**

**QUEENS BENCH DIVISION**

**BETWEEN:**

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

**Claimants**

**-and-**

**(1) ALBERT BOWERS AND OTHER NAMED DEFENDANTS  
LISTED IN SCHEDULE 1 OF THE CLAIM FORM  
(2 ) PERSONS UNKNOWN**

**Defendants**

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**STATEMENT OF BEN HAMILTON**

---

I, BEN HAMILTON, of Test Valley Borough Council, Beech Hurst, Weyhill Road, Andover, Hampshire SP10 3AJ will say as follows:

1. I make this statement in support and on behalf of the First Claimant, Test Valley Borough Council in its application for an injunction and interim injunction to prevent the named Defendants and Persons Unknown from forming further unauthorised encampments on the areas within Test Valley Borough Council's administrative area which are outlined in red on the plan attached to the draft order attached to the Claimant's application.
2. I am the Street Cleaning Manager based at the Depot at Portway in Andover and have held this post since 01/07/19. I am responsible for managing the Street Cleaning supervisors and Street cleaning operatives/drivers. Before my current role, I was a Street Cleaning Supervisor for three years based at the Depot at Portway in Andover. One of our main roles is the collection of waste and we clear up rubbish left on land often referred to as fly tipping waste.

3. As part of my role my team are often the first ones informed of an illegal encampment within the borough, these come in in a number of ways; they can be reported as a complaint via our website on the my Council services page, or we will find out via a facebook post or they are reported by other council officers.
4. When an encampment is reported one of my team or the Environmental Services team will go out on site and will leave with the occupiers a roll of Test Valley Borough Council branded blue plastic waste sacks to encourage them to bag up their waste which we will then collect.
5. When they leave I update a spreadsheet with the number of hours it has taken to clear the waste and the volume of waste taken. Up until recently the waste wasn't separated and was disposed of with all the other waste in large containers. I attach a copy of the spreadsheet marked BH1. We are the collection authority and can account for time at the sites, as per the spreadsheet. The cost in column G refers to the cost of the manpower at £38.25 per hour. The disposal authority is Hampshire County Council who would take the burden of disposal cost. We have a statutory duty to remove fly tipped waste from highway land, this includes waste left via illegal encampments. As it is I have to allocate officer time that could be used elsewhere. The spreadsheet also details where damage has been caused and the costs to repair the damage are not contained in the spreadsheet.
6. Over the past 2 years when clearing up after these encampments my staff have had to deal with sites covered in household waste nappies human faeces and toilet paper. An example of this is the Saxon Fields encampment in September 2019, I attach a copy of photographs BH/2 that I sent to the Environmental Services Offices. The photograph of the black bagged rubbish that you can see in the vehicle and the trailer is all rubbish that my operatives collected and bagged. The final photograph shows the bin stuffed full of rubbish with box of rubbish to the side. Although not shown in the photos this clean up involved a lot of human faeces and toilet paper some of which had been thrown into the branches of the trees.

#### 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:



Name: Ben Hamilton

Date: 21/04/2020

Claimant  
Witness:  
Dated  
Exhibits  
3  
Claim no:

IN THE HIGH COURT  
QUEENS BENCH DIVISION  
BETWEEN:

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

Claimants

-and-

(1) ALBERT BOWERS AND OTHER NAMED DEFENDANTS  
LISTED IN SCHEDULE 1 OF THE CLAIM FORM  
(2 ) PERSONS UNKNOWN

Defendants

ANONYMOUS RESIDENT A

WITNESS STATEMENT OF

I, \_\_\_\_\_, a resident of Andover will say as follows:

1. I make this statement in support and on behalf of the First Claimant, Test Valley Borough Council in its application for an injunction and interim injunction to prevent the named Defendants and Persons Unknown from forming further unauthorised encampments on the areas within Test Valley Borough Council's administrative area which are outlined in red on the plan attached to the draft order attached to the Claimant's application. When I refer to the Claimant in my statement I am referring to the 1<sup>st</sup> Claimant. .
2. I live \_\_\_\_\_ in Andover, I make this statement in relation to the travellers that have encamped on land near where I live. I wish to remain anonymous because of my fear of reprisals from any of the people this action is taken against should they identify me.
3. On I think it was the 29<sup>th</sup> September 2019, I was walking my dog near the athletics track and saw the travellers as I approached the area with Police already in attendance. Approximately 15 caravans and associated vehicles had broken through the gate on the running track and were camped on it



4. The second incident was the break in at the Salto Gym end of Charlton complex. The barrier had been forcefully removed by the travellers and the lock removed. They then encamped near to the café and crazy golf area, with their caravans and cars placed in a circular camp. During the week to 10 days they were there they travelled to and from the camp site dumping cut off trees and foliage around the grounds as this was there way of making money ....cold calling on local residents and offering to cut/hack down trees and then fly tipping them at the end of the day along with their own general rubbish. I also saw a couple of the children going to the toilet in the tree lined area. It was also reported by my fellow dog walkers that the children were terrorising the ducks and swans on the lake with stone throwing. When they were finally forced to move on the whole area was awash with litter and both food and human waste.

#### 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

Name

Date 04 May 20

Claimant  
Witness:  
Dated  
Exhibits  
3  
Claim no:

IN THE HIGH COURT

QUEENS BENCH DIVISION

BETWEEN:

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

Claimants

-and-

(1) ALBERT BOWERS AND OTHER NAMED DEFENDANTS  
LISTED IN SCHEDULE 1 OF THE CLAIM FORM  
(2 ) PERSONS UNKNOWN

Defendants

ANONYMOUS RESIDENT B \_\_\_\_\_

WITNESS STATEMENT OF

---

I, \_\_\_\_\_ a resident of Andover will say as follows:

1. I make this statement in support and on behalf of the First Claimant, Test Valley Borough Council in its application for an injunction and interim injunction to prevent the named Defendants and Persons Unknown from forming further unauthorised encampments on the areas within Test Valley Borough Council's administrative area which are outlined in red on the plan attached to the draft order attached to the Claimant's application. When I refer to the Claimant in my statement I am referring to the 1<sup>st</sup> Claimant. .
2. I live near Saxon Fields, I make this statement in relation to the travellers that have encamped on land near where I live. I wish to remain annoyntmou because of my fear of reprisals from any of the people this action is taken against should they identify me
3. In late August 2019 a lot of caravans arrived on the large playing field behind the Saxon fields store. Whilst unsightly and noisy the only thing I noticed which unnerved me was a lady wandering in our close early one morning who was one of the travellers. The close I live

in has very few visitors apart from residents and the postman, so her presence was unusual and unnerving.

4. After a couple of weeks they got moved on but moved just over the road onto the large green area. This is when I started to notice the Anti social behaviour more. This was around the 12<sup>th</sup> September 2019. There were around 20+ caravans. They were noisy, dogs barking, noisy arguments and shouting into the early hours on one occasion. Generators which are noisy. The washing lines were hanging in the trees across the public footpath so they could dry their washing People coming into our close for absolutely no reason. Cars driving in, turning around and driving out again. One of the houses was empty so I and my neighbours used to park in the empty house's driveway, so it looked like someone was there. I have a photo of the caravans in situ taken on the 12<sup>th</sup> September 2019 I exhibit this as A/1. I also have photographs of some of the rubbish which I exhibit as A/2
5. I found the whole situation completely stressful and intimidating. I am often at home alone as my husband travels a lot with his job. I did not feel safe in my own home whilst they were there and wrote to Kevin Harrington. I would not leave my dog in the house when I went out I used to ask a neighbour to look after him for me.
6. The travellers came back in October when I was away my neighbour photographed two women sitting on the kerb in the close on 2<sup>nd</sup> October 2019 I exhibit this photo as A/3

#### 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

Name

Date

IN THE HIGH COURT  
QUEENS BENCH DIVISION  
BETWEEN:

Claimant  
Witness:  
Dated  
Exhibits  
Claim no:

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

Claimants

-and-

(1) ALBERT BOWERS AND OTHER NAMED DEFENDANTS  
LISTED IN SCHEDULE 1 OF THE CLAIM FORM  
(2) PERSONS UNKNOWN

Defendants

ANONYMOUS RESIDENT C

WITNESS STATEMENT OF \_\_\_\_\_

I, \_\_\_\_\_, a resident of Andover will say as follows:

1. I make this statement in support and on behalf of the First Claimant, Test Valley Borough Council in its application for an injunction and interim injunction to prevent the named Defendants and Persons Unknown from forming further unauthorised encampments on the areas within Test Valley Borough Council's administrative area which are outlined in red on the plan attached to the draft order attached to the Claimant's application. When I refer to the Claimant in my statement I am referring to the 1<sup>st</sup> Claimant.
2. I live near some open space in Andover, I make this statement in relation to the travellers that have encamped on land near where I live. I wish to remain anonymous because of my fear of reprisals from any of the people this action is taken against should they identify me.
3. In early September 2019, the travellers with approx 10 caravans plus associated vehicles first arrived on the playing field between Elbe Way and Cuxhaven Way.
4. They had previously been occupying the field on the opposite side of the road adjacent to the shop. The mess they left behind when they relocated to the Cuxhaven/Elbe side of the road was considerable.
5. My daughter and I were woken up after 11 pm by a child screaming "mama", dogs barking, car doors slamming, headlights and raised male voices. This disruption went on for some time and was rather frightening for us both. I had to accompany my

daughter along the footpath adjacent to the travellers the next morning as they are intimidating and she was nervous.

6. They caused excess noise during the day mainly consisting of dogs barking, children shouting and vehicles driving on and off of the field. During the night the noise was also noticeable as they had generators running, the dogs were outside barking and the cars were driving along the footpaths to gain access to the caravans. The dogs were running loose and defecating on the playing field and grass verges.
7. The travellers ripped up the wooden posts put in by the council to stop access to the land, also broke some tree branches, removed a young sapling and caused deep tyre tracks in the grass
8. I saw them driving in and out of a nearby cul-de-sac at speed driving onto private houses driveways and also walking around the road. This road is a cul-de-sac that they had no reason to be in as it's a dead end road.
9. I was intending on going away for my eldest daughters birthday but had to cancel as I was worried about leaving my house unoccupied.
10. The local shop was also forced to close for a couple of days as the shopkeeper felt intimidated by the groups of travellers entering it and we therefore lost our convenience store.
11. The police were called to the site late one night as there was an altercation on the field and abusive and threatening language was heard.
12. The travellers were eventually moved on leaving rubbish behind again only to return a couple of weeks later but this time with about 20 caravans and associated vehicles. Again the same problems occurred. The rubbish left behind on their second visit was bagged up in council bags given to them but clearly visible were pizza boxes, wet wipes, food bags, a quilt and faeces.
13. We have had travellers access the field on more than one occasion in the last few years. Their arrival brings stress and we feel intimidated and worried about thefts and our safety and that of our beloved pets. The noise disrupts sleep and daily life. We should feel safe and secure in our own homes but when they arrive this all disappears and life becomes unbearable.

#### 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

Name

Date 23. APRIL 2020

**IN THE HIGH COURT**

**QUEENS BENCH DIVISION**

**BETWEEN:**

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

**Claimants**

**-and-**

**(1) ALBERT BOWERS AND OTHER NAMED DEFENDANTS  
LISTED IN SCHEDULE 1 OF THE CLAIM FORM  
(2 ) PERSONS UNKNOWN**

**Defendants**

---

**WITNESS STATEMENT OF ASTRID WOOD**

---

I, ASTRID WOOD, of Test Valley Borough Council, Beech Hurst, Weyhill Road, Andover, Hampshire SP10 3AJ will say as follows:

1. I make this statement in support and on behalf of the First Claimant, Test Valley Borough Council in its application for an injunction and interim injunction to prevent the named Defendants and Persons Unknown from forming further unauthorised encampments on the areas within Test Valley Borough Council's administrative area which are outlined in red on the plan attached to the draft order attached to the Claimant's application.
2. I am an Estates Surveying Technician with Test Valley Borough Council. I have been employed in this role since December 2002.
3. I have worked in the Estates and Economic Development Services, called Property and Asset Management since July 2019, in the role as a Surveying Technician since 2002.
4. On the evening on 30 April 2018 Test Valley Borough Council , (the Council), received a report by email from the Romsey Town Centre Manager, regarding numerous caravans being parked on council land at Alma Road Car Park, Romsey, Hampshire.

5. On the 01 May 2018 at 1000hrs, as a result of the report, I attended Alma Road Car Park, Romsey, Hampshire (the "car park") with my colleague Steve Raw and two police officers from Romsey Police Station.
6. Whilst at the Car Park I observed 10 caravans belonging to the persons unknown. I also observed 8 cars, 1 toddler, and 1 small dog of which I have listed and attach as exhibit AW/1. I also took photographs at the time which I exhibit as AW/2.
7. The caravans and property of the persons were so parked in an anti-social manner, that they were causing an obstruction and limiting the public use of the car park.
8. We spoke to the persons and they were uncooperative in removing their vehicles. I referred the traveller's incursion to the Borough Hampshire's Gypsy Liaison Officer for welfare purposes.
9. On 01 May 2018, at 1240hrs we returned to the car park accompanied by police officers, and served the persons with a Community Protection Notice warning letter requiring them to leave the car park immediately. Where there were no person of 18 years of age or older with a caravan, the letter was attached to the outside of the caravan. I exhibit the Community Protection Notice Warning letter and certificate of service as AW/3. I also took photographs where I served the Community Protection Notice onto caravan(s) which I exhibit as AW/4.
10. On 01 May 2018 at 1410hrs we returned to the car park accompanied by police officers. The persons had failed to comply with the Community protection Warning letter so we served them with a Community Protection Notice requiring them to immediately leave the car park. I exhibit the Community Protection Notice and certificate of service as AW/5. I also took photographs where I served the Community Protection Notice onto caravan(s) which I exhibit as AW/6.
11. On 02 May 2018 at 0830hrs the police informed me via e-mail that the persons had left the car park. Also on 02 May 2018 at 0900hrs my colleague, Lisa Bateman returned to the car park. She informed me that the persons had left the car park and that our Street Scene Team, earlier that morning, had removed rubbish that the persons failed to dispose of.

#### 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



Name *ASTRID WOOD*

Date *06/07/2020*



Claimants  
Witness: C Taylor  
2<sup>nd</sup> Statement  
Dated:  
Exhibits:

IN THE HIGH COURT OF JUSTICE

QB-2020-002112

QUEEN'S BENCH DIVISION

B E T W E E N : -

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

Claimant

-and-

- (1) ALBERT BOWERS
- (2) 65 OTHER NAMED DEFENDANTS
- (67) PERSONS UNKNOWN FORMING UNAUTHORISED  
ENCAMPMENTS WITHIN THE BOROUGH OF TEST  
VALLEY

Defendant

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**SECOND WITNESS STATEMENT OF INSPECTOR CHRISTOPHER TAYLOR**

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I Inspector 20000 Christopher Taylor, a Police Inspector for Hampshire Constabulary. I am the Test Valley District Inspector based at Andover Police Station. I WILL SAY AS FOLLOWS:

1. I am Inspector 20000 Christopher Taylor, a Police Inspector for Hampshire Constabulary, and the District Inspector for Test Valley, based at Andover Police Station. This statement is in addition to the statement I provided on 11<sup>th</sup> of June 2020, and serves as an update to that statement. The explanation of how the police reports are documented are covered in that statement and as previously, the facts in this witness statement come from my own knowledge

or where they are not from my own knowledge, they are true to the best of my knowledge and belief.

2. Since the documentation for the injunction was started in February 2020 until July 2021 we have had 17 significant unauthorised encampments in Test Valley District.
3. I have supported Test Borough Council to use the interim injunction in Andover which has been extremely effective. Groups have left promptly reducing impact to the community and minimise the impact on police resources.
4. In 2018 and 2019 I had mobilised large numbers of public order trained police officers to enforce police powers under Section 61 Criminal Justice & Public Order Act 1994. Each time these were officers taken from their normal duties from across Hampshire. Each time approximately 50 officers were used.
5. I refer to the following reports between February 2020 and July 2021, what follows is a short summary of the significant unauthorised encampments in Test Valley Borough. The actual reports are exhibited to this witness statement and are redacted where appropriate. I attach at exhibits CT1 – CT17 copies of the redacted reports.
6. **24/02/2020 Plot 72 (Abel & Cole Ltd) Magellan Close, Andover, SP10 5NT, Report 44200070715.** The business owner has reported to Police that travellers had pulled up outside of their business. Travellers moved on prior to Police arrival. One vehicle noted.
7. **24/02/2020 Finkley Down Farm, Andover, SP11 6NF, Report 44200070756** Report received from member of the public that travellers have moved some Harris fencing and gone onto the access road to the farm. There were two caravans and two vans, which had already been unhitched and appeared to be waiting for more to arrive. On Police arrival two caravans and one Ford transit

in situ. Travellers had set up opposite the entrance to the farm. The farm were spoken to by Police, and confirmed they had not caused them any issues at that time. Initially it was difficult to establish who owned the land, two days later Taylor Wimpey had been identified as the owners and bailiffs to serve notice, they had 17:00 26/02/2020 to vacate the site. At 1300hrs on the 26/02 the travellers left the site.

8. **26/02/2020 Greenwich Way, Andover, Report 44200073298** Police were informed that an encampment arrived on public road between Aster Housing building and yard. Police attended and two caravans and two Transit vans noted. It was confirmed that this was the same group that had previously been at Finkley Down Farm. Mr Albert Bowers spoken to and advised they would only be staying for a few days. Two dogs were seized by the Dog Warden. Site was vacated on 07/03/2020
  
9. **03/05/2020 Simply Health Group Ltd, Anton House, Chantry Street, Andover SP101DE, Report 44200156295** Informant reporting 14 vehicles parked in a car park at the rear of Anton House, with access from Marlborough Street. Travellers identified themselves as the MCDONNAGH family from Swindon and stated they would be there for four days. Police attended and confirmed 15 vehicles. Majority of the group refused to provide names, one male provided details which were suspected to be false. Landowner unable to go to court as court was not hearing cases at the time. Site vacated by 7<sup>th</sup> May. Site was left in an extremely messy state, with gas canisters, litter and human excrement present.
  
10. **13/05/2020 Andover Archery and Rugby Club, Foxcotte Park, Hatherden road, Andover SP11 0TA, Report 44200169755** Report of nine vehicles towing caravans have set up camp, on the rugby field behind Andover Archery and Rugby Club. Police attended and there were 14 vehicles present, John and Patrick McDONAGH spoken with. Approx 12-15 children on site aged between 1 – 15 years old. There was a low level public order incident reported nearby,

that was linked to several females from the site. Initially they stated they would only be on site for a couple of days. The land is owned by TVBC. There were no flatbed type vehicles, just cars and a couple of small vans. Police received a hostile response during several visits to the site. Report of criminal damage to a gate and tables whilst the travellers were at the site. On the footpath by the site, human excrement seen by officers. On 16<sup>th</sup> May all caravans and vehicles left the site. All rubbish that had been left behind was bagged by the encampment.

**11. 26/06/2020 Recreation Ground Nursling, Joe Bigwood Close, Nursling SO16**

**OYL, Report 44200233862** Numerous calls received from members of the public that approximately 25 vehicles are going onto the field by the Nursling Village hall. The field is normally secure and the gate is kept locked. It appeared that the lock on the gate had been removed, and the travellers were setting up camp on the field. They were also blocking the road. It is believed the travellers had come from the Eling area, after being served notice the day before. The Nursling Parish Council owns the land. During one police visit to the site Police received a very hostile response. There are 9 criminal offences and 9 reports of Anti-Social Behaviour linked to this encampment. The site appeared to be kept in good order with rubbish bags being used etc. On 3<sup>rd</sup> July the site was vacated, and the travellers moved onto Greta Park, Hedge End. Damage caused during the encampment to wooden posts around the field, CCTV located that shows the offence taking place but you are unable to identify the offender.

**12. 29/06/2020 Romsey Rugby Club, Southampton road, Romsey, SO51 8AF,**

**Report 44200237742** Report of vehicles moving onto the field behind Romsey Rapid Leisure complex. On Police attendance 12 vehicles were noted, and a number of caravans. They advised Police they had come from Luton and were only planning on staying a couple of days. After some enquiries were made, it actually transpired that the group had come from a site in Ringwood after being served notice. No damage caused gaining entry to the field. TVBC

confirmed as the land owner, a court order was obtained and bailiffs notice was served on the travellers at 1500hrs on the 30/06 and site was vacated at 22:10hrs. Upon inspection litter, an old tyre and rubbish bags left at the site.

**13. 10/07/2020 Top Green, Lockerley, Romsey, SO51 OJN Report 44200255239**

The Police were informed that a family believed to be travellers had set up camp on the Green. Police attended, 1 family were there consisting of 2 adults and 6 children (Female appeared to be pregnant). They stated they had permission to camp on this private land though this could not be verified. This family had gone when this location was visited on the 12/07/20, no obvious damage or litter left.

**14. 21/07/2020 Picket Twenty Sports Ground, Andover, SP11 6UF Reports 44200272176.**

Six vehicles and four caravans accessed the sports ground by the 'Bowers' family plus other individuals. Two padlocks were cut off a gate, which then allowed access for the site. Additional calls made by members of public. When spoken to they stated they were in the area as a member of their party was currently in Basingstoke hospital. Due to an injunction in place, Andover was the closest they could get to Basingstoke. Site checked on the 23/07/20, the site was littered with black and blue bin bags and hedge cuttings were dumped in the bushes, there was some evidence of fires on the left hand side of the site. At 10am on the 24/07/2020 the travellers had been issued with a court order giving them 24 hours notice to leave the site. On the 25/07/2020 the site was checked and it appeared some had moved to another nearby location which is the next report under RMS 44200278521. On the 01/08/2020 the site was checked again, they had gone, no debris left behind just one small patch of burned grass

**15. 25/07/2020 Ox Drove, Andover, SP11 6ND Reports 44200278521**

A Field behind Locksbridge Community centre was accessed by the 'Bowers' family who arrived with three Ford transits pulling two caravans.

This RMS is linked to above, 44200272176 which is a report of criminal damage and the original encampment. No damage was caused to access this field, the metal fence had been pushed to one side, Site checked on the 26/07/2020, all vehicles had gone, some rubbish had been left in black bin bags.

**16. 27/07/2020 Kingsway, Andover, SP10 5LQ Reports 44200281002**

The 'Bowers' family plus one had set up camp at J&K Property Consultants car park which is private property. Attempts were made to contact this company without success. The site was visited by officers on 28/07/2020, this was captured on BWV. No-one was there to speak to, a pile of garden waste which it had been attempted to burn was seen, no obvious damage seen. J&K Property Consultants were spoken to on the 28/07/2020, they were unsure whether to take out a Court order.

On the 01/08/2020 the site was visited, Albert Bowers was there and in the process of leaving the site, no damage caused or any offences identified.

17. On 28/07/2020 Test Valley Borough Council was granted an Interim injunction authorised. Local procedures for dealing with that order and power of arrest remained to be agreed.

**30/07/2020 Peake Way, Andover, SP10 4FA Reports 44200286244**

Several calls from MOP regarding two caravans setting up at the top of the estate near the play park. Police attended, no obvious damage caused, attended on the 01/08/2020 no change. A further visit was made on the 02/08/2020, three additional vehicles and one additional caravan was seen. When spoken to it was the 'Bowers' family there plus others (All persons added to RMS). The site was visited on the 04/08/2020, which was seen to be relatively tidy. Bailiffs attended the site on 06/08/2020 to serve notice. Police attended on the 08/08/2020 all had gone, a small amount of rubbish left.

18. **24/09/2020 Rich Products Ltd, Andover Business Park, Andover, SP11 8EZ Reports 44200371749** Police attended location, details of nine vehicles and five caravans were taken. The encampment entered the main car park

when the securing bollards were down when the company shift change was taking place. Two travellers vehicles tried to get to the encampment when the bollards were back up, they were aggressive and confrontational but did calm down. The travellers were spoken to and stated they were there until late afternoon on the 25/09/2020 as one of them has a cardiac scan at Winchester Hospital.

No damage has been seen at the site. Report was made on the 25/09/2020 that the travellers have threatened to fight the staff on site. Police attended, there was a heated exchange between one of the travellers and one of the managers. NFA due to lack of evidence. The company had instructed bailiffs to attend on the 25<sup>th</sup> to assist with the removal of the encampment. Police attended that evening also there an employee of the Council legal department, the travellers left the site in the presence of the officers.

19. **24/09/2020 Kingsway, Unit 5, Walworth Ind Estate, Andover, SP10 5LQ Reports 44200371838** This encampment is the 'McDonagh family, a number of adults and approximately fifteen children. There are 8 vehicles (cars and vans) and four caravans. No damage was seen, they have set up in the car park. Stated that they were only going to stay for one night. It is noted that there is an injunction covering this area and the McDonagh family, this would have to be led by TVBC. Bailiffs were due to attend during the afternoon on the 25/09/2020, Police were aware during the morning of the 26/09/2020 that the site was clear, they had moved on.

20. **18/10/2020 George Yard car park, Andover, SP10 1PA Reports 44200405233**  
By this date, a local procedure was in place with the Council and Police. Member of public reported 6-7 caravans with vehicles pulled in to the car park and set up camp. Police attended encampment, there were in fact ten vehicles and ten caravans with approximately fifty people, this was made up mainly of six main family names which were provided, they stated they were originally from Limerick and had driven down from Peterborough.

**BWV was taken of the visit**

19/10/2020 Site visited early morning, it was clean and tidy. I attended the location with Karen Dunn (TVBC Head of Legal) late morning and we explained the nature and effect of the injunction order and they were offered a copy. The encampment moved on twenty minutes later.

**21.10/11/2020 Charlton Sports Centre, West Portway, Andover, SP10 3LF  
Reports 44200435840**

A member of public reported two Transit vans and two caravans at a car park, Police attended the location, both males identified themselves with the same name (Albert Bowers), two females and 3-4 children.

Entry had been gained by cutting the padlock to the height restriction barrier. Local Council representatives had attended and explained the existence of the injunction. The travellers were given until 17:00hrs to leave. Police attended again later that day, the group had left, further damage had been caused to the barrier. Photographs were taken of the damage (On file) further report of criminal damage generated.

**22.10/03/2021 Romsey Rapids, Romsey, SO51 8AF Reports 44210090080**

TVBC reported four vehicles with associated Caravans had set up camp in their car park. Police attended at 23:30hrs that night, seven vehicles with caravans were seen, details of all vehicles taken (PNC checks). A Daniel O'Brien was spoken to and stated they only stopped there as there was a mechanical issue with one of their vehicles. Once this was sorted they were en route to Manchester. No damage was seen no reports of ASB, site was clean and tidy. Police attended on 11/03/2021 and 12/03/2021, AIO ,still waiting for vehicle to be repaired. A further visit was made on the 13/03/2021, all vehicles had gone.

23. There are a further two encampments in August 2021 but I do not have the full reports to exhibit at the date of making this statement. The first relates to a group at North Baddesley Castle Lane/ Botley Road, where an informant reported a group of travellers had accessed a gate to gain access to




a field where they have set up an encampment. The field is opposite North Baddesley Recreational Ground, Botley Road. The padlock and chain is was intact but the latch is damaged having been bent, I presume to release the chain and gain access. The field is not overlooked by any commercial or residential properties. The recreation ground was busy and nobody is prevented from going about their activities. The landowner, the Parish Council is aware and served notice to quit. No ASB, crime or loss of amenity. Section 61 was not made out.

24. The second relates to Romsey Industrial Estate, as at 12<sup>th</sup> August two vehicles including SN69 KEK and two caravans were present belonging to the Bowers family. Mr Bowers was carrying out garden services in the area. The landowner is aware and section 61 not made out.

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:   
Printed: INSPIR C. TAYLOR.  
Dated 01/09/21.

**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**

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**NINTH WITNESS STATEMENT OF KAREN DUNN**

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

4. Exhibited hereto marked “**KD 1**” is a further table again summarising the encampments since 15<sup>th</sup> 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 28<sup>th</sup> July 2020 with power of arrest. On 24<sup>th</sup> 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 28<sup>th</sup> 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 13<sup>th</sup> 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 27<sup>th</sup> 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 4<sup>th</sup> 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 11<sup>th</sup> 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 20<sup>th</sup> 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 1<sup>st</sup> 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 12<sup>th</sup> - 15<sup>th</sup> 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 24<sup>th</sup> 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 21<sup>st</sup> 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 28<sup>th</sup> 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 12<sup>th</sup> July 2022 to 15<sup>th</sup> 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 17<sup>th</sup> September 2021.

23. On 24<sup>th</sup> 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 21<sup>st</sup> 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 3<sup>rd</sup> 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 11<sup>th</sup> 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 31<sup>st</sup> May 2022 sticks were thrown at the windows of the hotel and cars were damaged in the hotel car park.
28. On 12<sup>th</sup> 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 27<sup>th</sup> 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 10<sup>th</sup> – 14<sup>th</sup> 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 10<sup>th</sup> 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 21<sup>st</sup> 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 3<sup>rd</sup> 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 11<sup>th</sup> 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 2<sup>nd</sup> 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 12<sup>th</sup> -15<sup>th</sup> 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
		<b>Total</b>	<b>£2663.00</b>



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 24<sup>th</sup> September 2020 and one at the Councils George Yard Car Park on 18<sup>th</sup> 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: 3<sup>rd</sup> November 2022

**IN THE HIGH COURT OF JUSTICE**  
**KING'S BENCH DIVISION**

**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**

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**THIRD WITNESS STATEMENT OF INSPECTOR CHRIS TAYLOR**

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I, **Inspector 20000 Christopher Taylor**, based at Andover Police Station, South Street, Andover SP10 2ED. I WILL SAY AS FOLLOWS:

1. I am Inspector 20000 Christopher Taylor, a police officer for Hampshire Constabulary. I am the Test Valley District Inspector based at Andover Police Station.
2. This statement is further to the one I provided on the 11<sup>th</sup> of June 2020 in connection with unauthorised encampments in the Borough of Test Valley, Hampshire. Please refer to that statement for details of how Hampshire police record and document these matters.
3. I make this statement in support of the claimants ongoing claim for an injunction against the above named Defendants and Persons Unknnown. The

facts in this witness statement comes from my own knowledge, or where they are not from my own knowledge, they are true to the best of my knowledge and belief.

4. Since the granting of the injunction in 2020, and the amended injunction in 2021, the Borough saw a significant reduction in unauthorised encampments in the geographical areas that the injunction covers. When the Council has had cause to invoke the injunction it has been very effective, and all sites have been vacated promptly, and with minimal police involvement.
5. Other geographical areas in the Borough not covered by the injunction have seen significant encampments, often with related criminality. When action is not taken promptly this often attracts negative comments directed towards the police, and Council, from the affected community.
6. Some of these encampments have required the mobilisation of large numbers of police officers. This would normally consist of 1 Inspector 3 Sergeants & 21 Constables.
7. I have compiled a further list of the 19 incidents that Hampshire Constabulary have dealt with relating to unauthorised encampments since the date of my last statement to the Court (11<sup>th</sup> June 2020) to August 2022.
8. I have compiled the reports in relation to each of these incidents and exhibit these to this witness statement at exhibits CT1 – CT19.
9. As previously these reports have been redacted to protect the identities of informants, victims and other persons involved where appropriate. Each report comprises some or all of the following: CAD summaries, Occurrence Details, C58 forms and photographs (if any were taken).
10. I refer to the following reports in connection with unauthorised encampments, and linked crimes and incidents, from 11<sup>th</sup> of March 2021 until 30<sup>th</sup> of August

2022. Full details can be seen in the exhibits I mention above, which I also summarise them as follows, taking the earliest first.

11. **23/07/21 Romsey Rapids, Romsey 44210291833.** Exhibit **CT1** - A report was received of 1 caravan at the long stay car park at the Romsey Rapids Leisure Centre in Romsey. There was no active police involvement and Test Valley Borough Council dealt with eviction. The Caravan VRM was registered to Albert Bowers. There were no linked crimes or incidents.
  
12. **410/08/21 Romsey Industrial Estate, Romsey 4210318093, 44210321701 & 44210327167** Exhibit **CT2** An unauthorised encampment of 2 vehicles & 2 caravans belonging to the Bowers family was established on Romsey Industrial Estate opposite the Starlight Trampoline & Gymnastics Club. The private landowner ultimately dealt with eviction. Two reports of antisocial behaviour were received, namely shouting, screaming and a dog barking all in the early hours of the morning along with the noise of a running generator.
  
13. **12/08/21 Playing Fields North Baddesley 44210320995** Exhibit **CT3**- An informant reported 4 caravans, 6 vehicles and 20-25 persons setting up an encampment on the North Baddesley recreation ground owned by Hampshire County Council and leased to North Baddesley Parish Council. An eviction was led by North Baddesley Parish Council and the encampment left on 17/09/21 (see below) vehicle checks show vehicles present registered to Arnold Paterson, Louise Metcalfe, Tom Smith and Mary O’Rielly.
  
14. **17/09/21 Old Cricket Ground, Play Fields North Baddesley 44210374603 .** Exhibit **CT4**. -The same group from 44210320995 12/08/21 moved to another area within the Playing Fields. A metal bar was bent allowing a height restriction bar to be opened without damaging the padlock to gain entry. An informant reported children from the encampment defecating in the play park, onto the play equipment. A further incident occurred when 8 children from the site were kicking belongings of a fitness instructor training a class on the field and causing problems. They ran off when the police were called. An eviction was led by North Baddesley Parish Council.

15. **24/08/21 Plot 53 Central Way Andover 44210338026 44210340727  
44210337723 44210339444 44210352232 44210354507 44210358334**  
Exhibit **CT5** - Informant reported that a padlock was broken to enable an encampment comprising 5 vehicles and 4 Caravans to set up on an empty business premises. Members of the McDonagh & O'Brien families were present on site including Partrick McDonagh, Siobhan O'Brien, Martina O'Brien, John O'Brien and Sarah Butler. Damage was reported to a door of the factory enabling the group to access the toilet which had been used. A further report was received that the travellers on the factory site are abstracting electricity and water from the factory. The private landowner dealt with eviction and the encampment left on 09/09/21.

16. **21/10/21 Plot 53 Central Way Andover 44210423566 44210428417  
44210423410 44210424367** Exhibit **CT6**- An encampment was reported of 5 vehicles and 5 Caravans comprising the Quilligan family and others including Martina Quilligan and Bridget Quilligan. Repeated reports were received of the travellers breaking in to use the toilets. An informant reported being bitten by a dog from the encampment. The private landowner dealt with an eviction and the group left on 27/10/21.

17. **27/10/21 Trojans Rugby Club Stoneham Lane Eastleigh 44210431530  
44210433830** Exhibit **CT7**- (within Test Valley Borough) An informant reported 5 Caravans and various vehicles on site. Vehicles reported on site were registered to Tommy Quilligan, Mary Quilligan, Johnny Cash and Mary O'Reilly. A Public Order offence was reported of the travellers using abusive language when asked to leave. The eviction was managed by Eastleigh Borough Council. The group left on 31/10/21.

18. **03/03/22 44220086915 Adanac Business Park, Nursling..** Exhibit **CT8** -  
Linked to large amount of matters across Hampshire – **44220087824  
44220087241 (ASB) 44220088725 44220087160 (Criminal Damage)  
44220089960 44220089917 44220087730 44220087243 (Public Order)**

**44220089982 44220088438 44220087140 (Shoplifting) 44220090470 (Theft) 44220088068 44220088068 Exhibit CT8 -**

An encampment formed at Adanac Park, Nursling, Southampton. A large group of 20-30 caravans had been followed by police from Basingtoke to Southampton (though within Test Valley Borough Council area) where they set up camp in a Southampton Hospital staff park and ride car park and Covid-19 testing location. The group comprised the Connors family including John and Michael Connors and others.

Vehicle registration checks showed that vehicles forming part of the encampment included those owned by Tomas Connors, Harry Moore, Patrick Jones, Andy Bailey, Arthur Stones, Vitalijus Radkevicius, Kathleen Hanrahan and Michael Nevin.

A vehicle which ultimately arrived at the camp was observed being driven on the wrong side of the road and through a red traffic signal in Southampton. A stolen trailer was found at the encampment and a male was arrested. A female related to the encampments was reported to steal sandwiches from Marks and Spencer at motorway services and a group threw donuts around in the WH Smith store, classified as a public order matter- intentional harassment, alarm or distress. There were complaints from a nearby Holiday Inn Hotel that long fluorescent light bulbs were thrown into the hotel. A group of youths were reported as throwing bricks and stones at cars in the car park and smashed a windscreen. A cabin located in the park and ride car park had its windows smashed with glass all around the cabin and road and the electrical input connection was displaced.

As a result of the encampment the COVID swabbing service had to move to an alternative facility, increasing traffic and demand at that facility. Hospital Staff were redirected to alternative parking at the hospital, putting pressure on public parking. Adults in balaclavas were reported on CCTV looking through items on the site and were observed trying to damage the CCTV feed and a generator.



An informant reported security cables being cut by a woman and youth from the site cut security wires off two reciprocating saws which were then stolen from a nearby B&Q Store where staff followed the offenders in their van to the encampment.

A hospital worker reported a vehicle in the car park having a screwdriver head driven into its lock, causing damage. A report was made from a nearby pub of a male trying to gain access to the pub when it was closed – the male had caused trouble the previous night resulting in the pub staying closed for its usual breakfast service as a precaution. The previous night the male had been asked to leave and threatened to ‘take your head straight off and chuck you through the window’ then tried to get back in. Another staff member was threatened with ‘Ill smash your fucking face in’. In a separate incident one of the group threatened to ‘raid the place’ [the hotel]. The hotel reported having to lock its doors to stop children from the group trying to get in and pestering customers and having to provide refunds. An informant reported that a group from the encampment had broken a fence and were looking into vehicles. Reports were received of shoplifting by those at the encampment from a nearby Sainsburys Store. Clothes, batteries and two ‘Henry’ Hoovers were stolen and the thefts were captured on CCTV.

Section 61 Police powers were authorised on 5<sup>th</sup> March 2022 involving a large mobilisation of Public Order trained Police officers. The group left the site on 08/03/22.

**19. 11/05/22 Playing Fields North Baddesley 4422018575613 44220185719**

Exhibit **CT9** - An informant contacted the police to say 13 cars and 13 caravans had turned up at the recreation ground with approximately 50 individuals. A height restriction barrier had been cut through to gain access and a youth football competition was planned on the land later that day. The landowner North Baddesley Parish Council. A Public Order Offence was reported when an individual trying to stop the vehicles accessing the site was threatened and reported that individuals had tried to run him over with their vehicle. Reports were received of an aggressive dog, youths from the site

entering a nearby business and verbally abusing staff Registered keepers of vehicles on site included James Galbraith, Tom Smith, Julienn Donavan, Linda Barnett, Matthew Nicholson, Steven Jackson and Patrick Quilligan. Section 61 Police powers were used and the group left within 5 hours.

20. **16/05/22 Land at junction of Nursling St and Cramer Avenue, Nursling 44220193766 Exhibit CT10** - Approximately 7 caravans and 18 vehicles set up an encampment at land owned by Test Valley Borough Council, apparently on their way to Wickham Horse fair. There were no linked offences the group left on 24/05/22 to attend Wickham Horse Fair.

21. **20/05/22 Charlton Sports Centre Andover 44220200301 44220201396 44220201388 Exhibit CT 11** - Test Valley Borough Council reported that approximately 8 caravans and 10 vehicles had set up an encampment on the Council owned Athletics track. A sports event was due to take place the following day. A report was made of a vehicle related to the encampment attending a local garage, having tyres fitted then the driver threatening to 'kick the tyre fitter in', refusing to pay for the tyres and advising that they would return and break into the shop that night. Vehicles present at the site were registered to Martin McDonagh, Mary Collins, Pat Ward, Martin Sweeney, Patrick Collin, Charlie McDonagh, Willie McDonagh John McDonagh, Patrick Collins. Section 61 Police powers were used and the group left on 21/05/22.

22. **31/05/22 44220215937 Premier Inn, Joule Road, Andover Exhibit CT 12** - An informant reported an illegal encampment at the Premier Inn. 4 vehicles and 4 caravans and approximately 8 adults and 3 children. One vehicle was registered to James Sweeney. A report was received of the group are now throwing sticks at the windows of the hotel and damaging cars parked in the car park – Criminal damage was reported under same report 44220215937. The group left the same evening.

23. **01/06/22 Potters Heron Public House, Ampfield. 44220217912 44220218377 44220218373 Exhibit CT13** - A report was received of 7 vehicles and 3 caravans setting up in the hotel car park. A report was

received of a member of public being threatened by persons from the encampment. A further report was made of travellers trying to come into the hotel to use the toilets and when refused entry were told that they would let their children run riot, which made the staff member feel threatened. The group left on 02/06/22. Vehicle checks showed registered keepers of some of the vehicles to be Sarah Crawley, Charles Ward, and Mary McDonagh.

**24. 02/07/22 Romsey Rapids, Romsey 44220263457 44220265200**

**44220264762** Exhibit **CT14** Test Valley Borough Council reported 3 motorhomes and a vehicle setting up encampment on the Council owned car park next to the Romsey Rapids sports centre each vehicle taking up several parking spaces. Vehicles were registered to the same individuals as the Potter's Heron encampment above. Reports were received of a group of 8 or 9 youths from the encampment in the pool at the Leisure Centre refusing to get out of the pool and refusing to leave. The informant reported having to remove all other customers from the pool to resolve the situation but the children again refused to leave and shouted at the lifeguard. When they did eventually leave the pool reports were received of them arguing with members of public in the carpark and a bottle was thrown which hit a customer. The group left on 06/07/22.

**25. 12/07/22 Nursling Recreation Group, Nursling 44220279456 Multiple**

**linked matters recorded: 44220283355 44220281938 44220281742 44220281692 44220281593 44220281489 (ASB) 44220283932 Damage offence. 44220281615 Indecency offence, 44220278559 Public Order 44220283684 Shoplifting 44220283937 Stolen vehicle seized. Exhibit CT 15**

An encampment formed on the Parish Council-owned playing field at Nursling. Originally 15 caravans, the encampment later grew to an estimated 70 vehicles (including caravans). It is believed the group had moved from nearby Fleming Park Leisure Centre. Individuals were observed using mechanical equipment to cut the gate as they did at Fleming Park where disorder was caused and the site shut down.

Several reports of human excrement were received including a naked male defecating on a path between the school and recreation ground in full view, leaving faeces and toilet roll on the path. Another male was reported going into the wooded area to defecate before returning to the encampment. A male was reported as walking the pathway by the school in his underpants. Reports were received of noisy quad bike riding and dogs barking all day and night. A complainant reported travellers defecating against her fence.

A cloned vehicle was on site and a stolen vehicle recovered. Shoplifting was reported from the nearby Co Op Store, described individuals from the site as just coming in and taking what they wanted. Having been moved on from the sports field, an informant reported the group breaking through a fence into the next door field. An informant reported a group from the encampment swearing at neighbouring children through the fence and an adult lifting up his shirt to show a BB gun. An informant describes screaming and shouting from the camp, dogs running loose and defecating with a further report of children riding across the field on quad bikes, aggression and verbal abuse.

Vehicle registration checks showed vehicles present registered to 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 Savannah Carter along with numerous vehicles with 'no trace' on the data base.

Section 61 Police powers were used with a large mobilisation of Public Order trained Police officers. The group left on 15/07/22.

**26. 24/07/22 Picket Twenty Playing Fields, Andover 44220297466.**

**44220301137 44220305109 44220305115 44220304871 44220305068**

**44220304719 44220304703 44220304697 44220305140 44220304059**

**44220301024 Robbery 44220305046 Exhibit CT 16-**

Test Valley Borough Council reported 10-12 caravans moving onto their land at Picket Twenty Sports Ground Andover. This is part of a sports facility and leisure land. Two padlocks were cut to gain entry. An informant reported children from the encampment stealing circa £400 of goods from neighbouring shop, a group of 5 having surrounded her causing her to become frightened while one made off with the goods. A further report of shoplifting was made from a local tackle shop where fishing rods were stolen using a child as a distraction. Several other reports of shoplifting were received, including attempted violence when a store manager tackled the individuals who threatened to return later when the store manager was alone. A vehicle related to the encampment was reported as being used by three males in hoodies and masks to steal £600 of fuel from a local business. The gate was forced with the van to gain entry.

An informant reported a boy's bike being stolen by two children from the encampment- later returned by two adults from the site. A report was received of a children returning home distressed having been racially abused by children and a further report of the theft of a child's scooter and football by children from the site. Vehicle registration checks show vehicles registered to the following to have been present: Helen O'Brien, Thomas Taylor, Tom Smith, Vannessa Sweeny, Patrick Quilligan and John McKeon.

The Council took court proceedings culminating in eviction supported by Police on 29/07/22.

**27. 28/07/22 Land off Duck Street, Abbots Ann 44220304400 . Exhibit CT 17**

A report was received of 1 Caravan and 2 Vehicles and believed to be 8 people setting up camp on farm land off Duck Street and left on 31/07/22.


**28. 10/08/22 Andover Plot 90, Walworth Business Park 44220323248**

**4422032329 Exhibit CT 18** A report was received of 20 vehicles and 12 caravans setting up an encampment on the Test Valley Borough Council Plot 90, Walworth Business Park. A report was received of the occupants of

vehicles from the encampment stealing items from a petrol station and swearing at staff. Test Valley Council managed the eviction and the group left on 14/08/22. One caravan was left abandoned on site. Vehicle registration checks show registered keepers of vehicles on site include 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

29. **12/08/22 Andover at Foxcotte Park Sports Ground** (Andover new Street Football and Social Club and Archery Club) **44220326761 44220327202 44220327169 44220326895 44220326687 Exhibit CT19** - Officers were deployed to find 17 Caravans, 22 vehicles and 40 people who claimed to be moving the following day. Vehicle checks show vehicles registered to McDonagh family- Simon McDonagh, Martin McDonagh, Joseph McDonagh, Owen McDonagh along with John Ward, Chantelle Nevin, John Joseph, Alan Eastwood, Tim McDonald and Joe Sweeney. Reports were received of shoplifting. Issues were reported at a local pub where about 20 travellers were refusing to leave and threatening to come back later and 'get them' and put the windows in. Two ladies in a vehicle recorded at the site were reported to enter a local shop and fill a bag with drinks and baguettes and leave without paying. The pub closed early. A vehicle was seized and the group left the following day, 13/08/22.

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:   
Printed: **WSP 20000 TAYLOR.**  
Dated: **4/11/22.**

IN THE HIGH COURT OF JUSTICE  
KING'S BENCH DIVISION

**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

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**FOURTH WITNESS STATEMENT OF INSPECTOR CHRIS TAYLOR**

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I, **Inspector 20000 Christopher Taylor**, based at Totton Police Station, Testwood Lane SO40 3ZE. I WILL SAY AS FOLLOWS:

1. I am Inspector 20000 Christopher Taylor, a police officer for Hampshire Constabulary.
2. I make this statement further to my earlier statements in this matter and in support of the Claimants' application for an injunction order.
3. In producing my third witness statement and providing information to the Claimants generally, I produced a spreadsheet detailing the registered keepers of various vehicles identified at unauthorised encampments.

4. This spreadsheet was produced by officers under my direction who carried out checks of the Police National Computer and completed the spreadsheet with the results.
5. I exhibit a copy of the spreadsheet hereto marked "CT1"

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:   
Printed: Inspector Chris Taylor  
Dated: 08/03/2024



Claimants  
Inspector Paul Holmes  
First Statement  
Exhibits PH1– PH19  
Date 11th March 2024

Claim No. OB-2020-002112

IN THE HIGH COURT OF JUSTICE  
KING'S BENCH DIVISION

**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

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**FIRST WITNESS STATEMENT OF INSPECTOR PAUL HOLMES**

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I, **Inspector 24253 Paul Holmes** based at Andover Police Station, South Street, Andover SP10 2ED will say as follows:

1. I am Inspector 24253 Paul Holmes, a police officer for Hampshire Constabulary. I am the Test Valley District Inspector based at Andover Police Station and have held this post since May 2023.
2. I make this statement in support of the claimants on-going claim for an injunction against named Defendants and Persons Unknknown. The facts in this witness statement come from my own knowledge, or where they are not from my own knowledge, they are true to the best of my knowledge and belief.
3. I am aware that my predecessor Inspector Chris Taylor has given evidence within these proceedings setting out the evidence held by Hampshire

Constabulary in respect of unauthorised encampments within the Test Valley area.

4. I understand that Inspector Taylor's last evidence updated the Court up to and including an encampment at Foxcotte Park Sports Ground in Andover on 12<sup>th</sup> August 2022.
5. I make this statement to update the Court as to the unauthorised encampments in Test Valley which have come to the Police's attention since 12<sup>th</sup> August 2022.
6. I have compiled a further list of the 19 incidents that Hampshire Constabulary have dealt with relating to unauthorised encampments since the date of Inspector Taylor's last statement to the Court (11<sup>th</sup> June 2020) to August 2022.
7. I have compiled the reports in relation to each of these incidents and exhibit these to this witness statement at exhibits "PH1" – "PH19".
8. I refer to the following reports in connection with unauthorised encampments, and linked crimes and incidents, from 31<sup>st</sup> August 2022 to 5<sup>th</sup> December 2023. Full details can be seen in the exhibits I mention above, which I also summarise them as follows, taking the earliest first.
9. **31/08/2022 Red Post Lane SP11 8DB, 44220354988** A report was received of a caravan forcing entry onto a field, causing damage to the gate. Officers spoke to Mr Albert Bowers. Margaret Bowers was also present along with Tom Bowers. I exhibit the reports relating to this incident hereto marked "PH1".
10. **07/09/2022 North Way, Andover, SP10 5AZ.** Reports relating to this incident **44220365728** are exhibited hereto marked "PH2" An unauthorised encampment four cars and five caravans set up in 18-19 North Way, Andover, a Bookers Cash and Carry Unit. It is believed this is a group that were moved

on by Bailiffs from a site in Winchester. Bailiffs were engaged to move the group on and police presence was requested by the Bailiff as the group had been trouble in Winchester – one of the Bailiffs recognised the group who had become violent during the Winchester eviction where a police car had been damaged.

**11. 21/02/2023 Rownhams West Service Station 44230072078 Exhibit PH3-**

An informant reported that a group of travellers had parked up on the Service Station Car Park. Reports of theft from the stores in the service station were received. Reports were received of the encampment being fully set up with generators running, dogs tied up and children running around the site. It was reported that children were attempting to steal from the shops and when challenged saying “do you want us to bring our whole family in.” Shop owners reported feeling threatened and requested police support. A report was received of shops closing early due to concerns for staff safety. Vehicles registered to Thomas McDonagh and Michael McDonagh were present. Reports show approximately 30 persons, and 10 vehicles were on the land. The group left of their own accord.

**12. 24/05/2023 Watery Lane, Andover 44230205111 . Exhibit PH4.** A member of public reported that six caravans, 2 cars, 1 pickup truck and approximately 12 adults and 8 children had set up on a privately owned field. The gate had been lifted off and moved.

**13. 30/05/2023 Clover Way, Romsey, SO51 7RG 44230214510. Exhibit PH5 –** A report was received of 2 caravans and 3 cars setting up on a green area at Clover Way with screaming and shouting. A report notes that they had left the following day leaving rubbish and clothing.

**14. 03/06/23 Smannell Road, Andover SP11 6UN 44230219806** Reports relating to this encampment are exhibited hereto marked “PH6”. An encampment was established on public open space at Smannell Road, Andover comprising approximately five vehicles with a number of caravans. They stated that they had travelled from Newbury and intended to stay three

or four days, that they had two children and no welfare concerns. The group declined to give their names, but vehicles registered to Wayne Cole, Tina Wickens and Philip Conelly were present. I believe this is the same group who were reported when they stopped at Churchill Way West Andover before moving on to the Smanell Road site. A copy of reports reference 44230219775 is exhibited hereto marked "PH7".

15. **03/06/2023 Ridges Close, Little London SP11 6JE** A report was received of approximately half a dozen individuals setting up an in a field. A copy of the reports under reference **44230219853** is exhibited hereto marked "PH8".

16. **07/06/2023 Augusta Way West, Andover SP11 6FY** Reports were received of an unauthorised encampment setting up on Smannell Road near August Way. Copies of the reports under reference **44230226007** are exhibited hereto marked "PH9". Vehicles present were registered to Patrick Joseph Collins and Martin McDonagh. Two linked crimes are reported; under references **44230229085** where three individuals are reported as pushing their way through the turnstiles and Andover Leisure Centre and refusing to leave and **44230227548** where it was reported that a group of three females and a child stole £182 worth of goods from an Asda store. These reports are also exhibited in "PH9".

17. **22/06/2023 Tweed Close, Chandlers Ford SO53 4QX.** A report was received of 7 vehicles gaining access to the car park of a recreation ground on Glendowan Road Chandlers Ford. A copy of the reports under **44230249199** are exhibited hereto marked "PH10". Circa 9 vehicles and caravans were present. Damage was caused to the padlock of the height restricting barrier to gain access. Five reports were received of human faeces related to the encampment along with a report of litter. One report included a sighting of a member of the encampment defecating in the woods where human faeces and toilet paper was found. Those related to the encampment were reported as defecating in the river with toilet paper also being present in the river. Used nappies and soiled shorts were also reported. The reports

show the Claimant Test Valley Borough Council issuing and serving court proceedings on the encampment.

18. **17/07/2023 Romsey Rapids Sports Centre, Southampton Road, Romsey.**

The reports with reference to incidents **44230287813**, **44230289877** (Public Order) **44230289430** (Anti-Social Behaviour) and **44230288836** (Assault) are exhibited hereto marked "PH11". Reports received of circa 10 caravans setting up an unauthorised encampment on the playing field next to the Romsey Rapids Centre. Reports were received of barriers being broken to gain access. Neighbouring businesses reported some of those from the encampment climbing on their gate. Numerous reports were received from the Romsey Rapids Sports Centre of those from the encampment causing a nuisance including setting off the fire alarm. The Claimant confirmed that the Sports Centre advised that the Centre had to be closed for a time for security reasons, that the adventure golf facility had to be closed and locked, the cricket rugby clubs were advised they couldn't train and a security guard was commissioned to support the reception and to carry out night patrols. Reports were received:

- a. from a bailiff attending to serve notice concerned about a fight at the encampment **44230288836**
- b. from the sports centre reporting youths from the encampment running about, using the showers and pool, being rude to staff and setting off the fire alarm **44230289430**
- c. from the sports centre when a male from the encampment had demanded to use the showers and refused to pay, using abusive language and displayin agresion to the staff and using the showers anyway **44230289877** CCTV showed the male going in, using the shower and being aggressive. Officers could not locate the male.

I understand that the Claimant obtained an order from the Magistrates Court under the Criminal Justice & Public Order Act 1994 requiring the encampment to vacate. They did so when bailiffs attended.

**19. 20/07/2023 The Recreation Field, Stanbury Road, Thruxton, SP11 8NS** A

report was received of an unauthorised encampment of 4 vehicles and 3 caravans on a charity-owned field in Thruxton near Andover. A female present confirmed she was 'Margaret' but refused to give a surname. RMA and PNC searches suggest that those present were Michael Bowers, Albert Bowers, Joe Bowers and Margaret Bowers. Vehicles present were registered to Mr Albert Bowers and Mr Joey Bowers. Reports were also received of aggressive dogs on site. Reports relating to this encampment are exhibited hereto marked "PH12".

**20. 30/07/2023 South Holmes Close, Ampfield, SO51 9BD** A report was

received of an encampment of three caravans on privately owned caravan site land south of Holmes Copse. Reports of a mess being made; private bailiffs were engaged. The reports relating to this incident are exhibited hereto marked "PH13".

**21. 01/08/2023 Saxon Fields Pavilion, Andover, SP10 4NP.** Police attended

following a report of an unauthorised encampment on the recreation ground. A male identified himself as Martin McDonagh. He stated that there were 15-20 children on the site and they intended to stay for a couple of days as they were on their way to a wedding. Members of public reported that a padlock had been cut to gain entry to the field. Vehicles present were registered to Mr John McDonagh (x4) Martin McDonagh (x2) and Paul Jones. The reports **44230309748** relating to this encampment are exhibited hereto marked "PH14".

**22. 11/08/2023 Andover Business Park, SP11 8EZ.** A report was received of 10

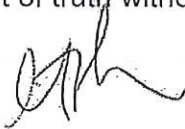
caravans entering the Co-op HGV site at Unit 4, Pioneer Road, Andover. The report included disruption to Co-Op Lorries being able to enter due to children from the encampment playing in the road. Those on the encampment stated they intend to stay about a week unless moved on before that. A copy of the reports relating to the incident is exhibited hereto marked "PH15".

23. **14/09/2023 Picket Twenty Sports Pavilion, Andover, SP11 6UF.** An encampment of circa 13 caravans and associated vehicles was established on the public open space along with two horses and several dogs. Reports were received of a member of the public being bitten by a dog at the encampment. Two separate reports of dog walkers and their dogs being chased by dogs from the encampment with abuse and threats received when asked to control their dogs. A report was also received of a car being driven over the grass on the playground. The reports **44230375535**, **44230376463** (Public Order) and **44230375626** (dangerous dog) are exhibited hereto marked “**PH16**”. A notice under section 61 of the Police, Crime, Sentencing and Courts Act 2022 was served, and the encampment left.
24. **15/09/2023 North Way, Andover, SP10 5AZ.** It was reported that the group from Picket Twenty described at the above paragraph resettled at the Old Bookers site off North Way, Walworth Industrial Estate, Andover. A public order matter is recorded, when a security guard reports that an individual from the encampment told him to leave or he would be shot in the forehead with a shotgun. A linked report when threatening behaviour was exhibited at the nearby leisure centre is also recorded. The reports relating to this encampment **44230377638**, **44230378796** and **44230378464** are exhibited hereto marked “**PH17**”
25. **18/09/2023 South Way Andover.** A report was received of an encampment occupying the industrial estate at South Way, Andover. The reports relating to this matter are exhibited hereto marked “**PH18**”
26. **05/12/2023 School Lane, Chandlers Ford, SO53 4NQ.** A report was received of an encampment of 8 caravans with several other cars and vans was occupying a warehouse carpark on privately owned land in an industrial area. Despite assurances that they would leave the following day, they remained in situ, smashed a window of one of the buildings, opened fire doors and occupied the building. Electrical connection had been made via the broken window. It was reported that when contractors arrived to board up the broken window, the group threatened violence. A photograph of the broken

window along with the other reports are exhibited hereto marked "PH19". The encampment left on 08/12/2023 and the building owner hired a private security firm.

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:



Printed: Inspector 24253 Paul Holmes

Dated: 11/03/2024



**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**

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**ELEVENTH WITNESS STATEMENT OF KAREN DUNN**

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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 in support of the Claimants' Application for a final order in these proceedings.
2. My Ninth substantive Witness Statement within these proceedings dated 3<sup>rd</sup> November 2022 provided the court with updating details of unauthorised encampments within the Test Valley Borough Council area up to and including the 12<sup>th</sup> of August 2022.
3. This statement updates the court as to unauthorised encampments within the Borough since that date. Exhibited hereto marked "**KD1**" is a table summarising the 19 unauthorised encampments within the Borough since 12<sup>th</sup> August 2022 to date.

4. The number of unauthorised encampments within the Test Valley Borough Council area is summarised as follows:

2018	38
2019	40
2020	15
2021	9
2022	15
2023	17

5. Of the unauthorised encampments referred to in this witness statement, the First Claimant has utilised its powers to serve notice under section 77 of the Criminal Justice and Public Order Act on five occasions from 12<sup>th</sup> August 2022 to date, also obtaining and serving orders from the Magistrates Court under section 78 pursuant to two of those notices. Two of these encampments were within the injunction area yet action under the Act was necessary as in the absence of a power of arrest the only available action pursuant to the injunction would be to take proceedings for contempt of court which a) wouldn't deal with removing the encampment, b) would take time and c) is challenging when faced with persons unknown.
6. I set out below the impacts and related harms which have taken place in relation to the unauthorised encampments described in this witness statement.

Impacts and related harms associated with the unauthorised encampments from 12<sup>th</sup> August 2022 to date within the Borough.

Threats/intimidation

7. Where I refer to police records and reports below, these are exhibited to the first witness statement of Inspector Paul Holmes, which is served along with this statement.
8. Whilst not a direct act of threat or intimidation, a Bailiff who attended the unauthorised encampment at North Way, Andover SP10 5AZ (police report 4420365728) requested

police presence when attending site as he (the Bailiff) had been involved in evicting a recent unauthorised encampment from a site in Winchester which had become violent and in which police vehicles were damaged and the Bailiff recognised individuals on site from the Winchester eviction.

9. Police reports, exhibited at exhibit PH3 of the First Witness Statement of Inspector Paul Holmes show that individuals from an unauthorised encampment at Rownhams East Motorway Service on 21<sup>st</sup> February 2023 threatened staff at the Service Station. The reports detail children trying to shoplift and when challenged making comments like “do you want us to bring our whole family in” causing the shop personnel to ask for police support.
10. At the same encampment, police records show a report of a female coming into the services and saying “she was going to go grab her husband” causing the informant to feel threatened and ask for police assistance. A further report is recorded of the individuals from the encampment causing issues with customers and staff having to close the site at 22:00 hours due to staff safety.
11. Police records exhibited at PH11 to the First Witness Statement of Inspector Holmes show that at the unauthorised encampment next to the Romsey Rapids sports centre on 19<sup>th</sup> July 2023, a public order incident is recorded where a male attended the sports centre and demanded to use the showers without paying. When challenged, he was abusive to staff and used the showers anyway. CCTV showed the male going in, being abusive and using the showers but officers could not locate the male.
12. At the same encampment police records (44230289430) show reports of youths from the encampment running about, using the pool and showers, being rude to staff and setting off the fire alarm.
13. The Council received a report of a female and child from the centre also demanding to use the shower, becoming irate and pointing in a member of staff’s face before eventually going off and returning with money for a shower.
14. Police records 44230375535 show that on 14<sup>th</sup> September 2023 at the unauthorised encampment at Picket Twenty sports field, a member of public reports receiving a barrage

of verbal abuse and being told to ‘fuck off and if he had a problem they would come and sort him out’ when he objected to dogs from the encampment chasing him and his dog and taking nips at his dog.

15. Police record 44230378796 shows that having been moved on from Picket Twenty Sports Field above, the group moved on to the Booker Cash and Carry site, North Way Andover. The report sets out how a member of the public reported being told to leave otherwise he would be shot in the head with a shotgun. The police who subsequently attended did not locate any gun.

#### Risk to public health, untreated human waste

16. Police reports (44230249199) show five reports of human waste at the unauthorised encampment at Tweed Close, Chandlers Ford which was established on 22<sup>nd</sup> June 2023. One report describes those at the encampment ‘using the surrounding woodland as a toilet which smells appalling and poses a health risk especially as this is a field with a children’s playground in it’. Another report on 23<sup>rd</sup> June 2023 is of having just seen a member of the unauthorised encampment defecating in the woods, ‘leaving a trail of toilet roll behind him’. A further report was received on 24<sup>rd</sup> June 2023 of members of the encampment defecating in the river and toilet roll in the river. On 25<sup>th</sup> June 2023 a member of public reports seeing human faeces with used toilet paper and a pair of soiled shorts. On 28<sup>th</sup> June 2023 a report is received of persons from the encampment defecating along the woods and leaving toilet paper and nappies.

17. After the departure of the unauthorised encampment at the pitches adjacent to the Romsey Rapids Sports Centre on 20<sup>th</sup> July 2023, the First Claimant carried out a clear-up of the site. The Council’s Environmental Services emailed me with details of the clear-up costs and noted that there was ‘toilet use’ and that the most notable piece of work required was to replace the sand within the play area which had been used as a toilet area. The play park was closed off until the sand could be replenished. I exhibit hereto marked “**KD2**” a copy of my Environmental Service colleague’s email and photographs of the site and vehicle showing bags of waste removed from the site.

18. The First Claimant's Environmental Service operatives attended to clear up after the unauthorised encampment at Tweed Close, Chandlers Ford on 26<sup>th</sup> June 2023. I exhibit hereto marked "KD3" a copy of an email from my Environmental Services colleague to me confirming that there was 'some toilet paper/human waste etc. that has been cleared from close to the hedgerows and around the open site, there has also been some rubbish removed from the Monks Brook Stream across the other side...'

#### Damage/Theft

19. On 31<sup>st</sup> August 2022 a report was received from a member of the public of forced entry into a field at Red Post Lane SP11 8DB, damaging the gate. This is recorded in police report 44220354988 and exhibited at PH1 to Inspector Paul Holmes's witness statement.

20. Police reports (44230072078) show that individuals from an unauthorised encampment at Rownhams East Motorway Service on 21<sup>st</sup> February 2023 entered and stole from stores at the Services.

21. The unauthorised encampment, which was established at Watery Lane, Upper Clatford, Andover on 23<sup>rd</sup>/24<sup>th</sup> May 2023 are shown in police record 44230205111 as having lifted a padlocked gate off its hinges to gain access.

22. A police report (44230227548) related to the unauthorised encampment at Augusta Way West, Andover, SP11 6FY records a group of three females with a child stealing £182 worth of goods from the Asda Store and Anton Mill Road, Andover.

23. The police report 44230249199 shows that a padlock was broken to force entry to the car park of the recreation ground at Tweed Close, Chandlers Ford where an unauthorised encampment was subsequently established. I exhibit hereto marked "KD4" copies of photographs of the damage supplied by the Council's Environmental Services team when attending to carry out a clear up operation.

24. On 17<sup>th</sup> July 2023 individuals broke through padlocked gates to gain access to the grassed pitches at next to the Romsey Rapids Sports Centre. I exhibit hereto marked “KD5” copies of photographs taken by Council staff of the broken gate.
25. On 1<sup>st</sup> August 2023 an unauthorised encampment set up at the Saxon Fields Pavilion in Andover, the gate was broken to access and I exhibit hereto marked “KD6” a copy of photographs of the broken gate
26. Police record 44230500277 shows that unauthorised encampment at School Lane Chandlers Ford on 7<sup>th</sup> December 2023 broke a window and open external fire doors in order to plug in to the electrics of a warehouse building on private property.

#### Nuisance

27. On 30<sup>th</sup> May 2023 reports were received by the police (44230214510) of ‘lots of screaming and shouting’ coming from the unauthorised encampment at Clover Way, Romsey SO51 7RG. Residents also reported feeling frightened.
28. On 7<sup>th</sup> June 2023 police records 44230226007 show a report of vehicles moving on to land off Smannell Road, Andover causing nuisance by blocking the roundabout, sounding horns, causing noise and trying to get vehicles over mounds put in place by the Council.
29. Police records 44230288836 show that at the unauthorised encampment at the Romsey Rapids Sports Centre on 18<sup>th</sup> July 2023, a fight occurred between members of the encampment which a Bailiff attending to serve papers reported in to the police.
30. The Romsey Rapids Sports Centre is owned by the Council but leased to and run by Places Leisure Ltd. Reports were received by the Council from the Centre that on 17<sup>th</sup> July the sports centre had to be closed early for security reasons and all squash bookings (the encampment being near the squash courts) were cancelled including the children’s squash day camp due to start on the Saturday. Romsey Runners running group also use the building. The ‘adventure golf’ was also closed and locked. The centre had to hire door security and a night security patrol (the Centre’s plant and chemical store is close to the encampment) at a cost of £670 for 1.5 days for the door security and £1224 for the night-

time patrols. The police did not consider that the criteria for action under s61 of the Criminal Justice and Public Order Act were made out. I exhibit hereto marked “KD7” an extract of the updating report I made to the Police on 18<sup>th</sup> July 2023. This also records the reports received by the Council of a four-year-old child being hit around the head and reports of attempted theft of pushchairs and lunches.

31. Also, because of the unauthorised encampment at the Romsey Rapids, the Council’s Senior Project Engineer reported that Council’s contractors who were carrying out flood alleviation works on the access road had to temporarily suspend work as children from the camp were climbing on machinery and trying to take unattended equipment.
32. Police records (44230375626) show that a member of public was bitten by a dog from the unauthorised encampment at Picket Twenty Sports Facility Andover on 14<sup>th</sup> September 2023, the bite drawing blood. A further report (44230376463) shows another member of public being chased by two dogs from the encampment. A third report on the same date shows a report from a member of the public reporting they and their dog being chased by five or six dogs from the encampment who also took nips at their dog which was on a lead.
33. Also, at this encampment police records show a report of a dark red Seat car from the encampment being driven around the grass at the sports facility on 14<sup>th</sup> September 2023.

Cost of removing and cleaning up after encampments

34. The Council’s Environmental Services Team will carry out post-unauthorised encampment clear-up where encampments are on Council land. I confirm the Council’s Environmental Services team hold the following records for the clear-up after the unauthorised encampments described in my schedule.

Encampment Date	Location	Detail if available	Cost	Bailiff cost
08/06/2023	Smannell Road/Icknield Way	500kg waste & jet wash	£205	£350 + vat
17/07/2023	Romsey Rapids	Clear waste £206, jet wash £123, replace sand £541	£870	£3,800 + vat

02/08/2023	Saxon Fields		£219	£650 + vat
24/09/2023	Picket Twenty Sports Field		£146	

35. As referred to earlier in this statement, notice under section 77 of the Criminal Justice and Public Order Act 1994 was served on five occasions – in relation to the Smannell Road (08/06/23), Tweed Close (22/06/2023), Romsey Rapids (17/07/2023), Saxon Fields (02/08/2023) and Picket Twenty Sports Field (24/09/2023) encampments. Court orders were obtained and served in the Romsey Rapids and Saxon Fields cases.

36. For the notices served and court proceedings taken, and again using the conservative estimate of three hours of legal officer time per case, gives a cost to the council of £2,655 plus two court fees of £236 gives costs of £3,127. To be added on to this are the Bailiff costs shown in the final column of the table above. Bailiffs are instructed to carry out welfare assessments, serve notices and orders and ultimately attend to effect physical eviction if necessary.

37. On one occasion, the police have exercised their power under section 61 of the Criminal Justice and Public Order Act 1994. I am not aware of any cases of the police considering the relatively new offence of residing on land without consent under section 60C being made out.

#### Provision for Travellers in the Borough

38. As described in and exhibited to my earlier witness statements, Test Valley Borough Council adopted a Negotiated Stopping Policy on 28<sup>th</sup> July 2020 under which requests can be made to stop temporarily within the Borough. At the time of my last updating statement in November 2022 no requests under the policy had been made. Since that time, two approaches for information about the policy have been received but no substantive requests to stop up.

39. On 8<sup>th</sup> June 2023 the Council's customer service unit received an email asking for details of the Council's negotiated stopping places. I replied providing a link to the policy and



describing the process, but no substantive request followed. On 11<sup>th</sup> June 2023 an individual asked a Councillor via their Facebook page for a telephone number to call about stopping up in Test Valley- they were given the Council's telephone number, but no further request was made.

The continuing need for injunctive relief

40. The Borough of Test Valley continues to experience unauthorised encampments and the negative effects of the same (as described above). The injunction has however significantly reduced the instances of encampments and whilst the power of arrest remained in force also significantly reduced the duration of the encampments as they can be moved on with greater speed with the assistance of the injunction. By limiting the number and duration of the encampments, the harm suffered by the inhabitants of the Borough is mitigated and reduced.
41. I set out at paragraphs 141 to 147 of my first witness statement of 17<sup>th</sup> June 2020 the limitations of the regime under section 77 and 78 of the Criminal Justice and Public Order Act 1994. These orders cover only a limited geographical area and encampments will often move just a short distance away when ultimately required to leave. For example, the group moved on from the Picket Twenty Sports Pavilion in September 2023 simply decamped to the Industrial Estate at North Way. This constant cycle of enforcement is expensive, both in terms of financial cost and resource drain. The injunction with a power of arrest is a much more cost efficient method of enforcement (especially as, to date the injunction has not needed to be enforced by way of committal proceedings an service has itself been effective).
42. The injunction also allows the Council to move an encampment on in a more timely manner as compared to the use of the powers under section 77 and 78 of the Criminal Justice and Public Order Act 1994 this limiting the harm that may be caused by an encampment that sets up in an inappropriate area (remembering that the injunction area only covers the most sensitive sites in the Borough where encampments would be inappropriate and cause harm to the Borough's inhabitants).

43. Further, directions under section 77 of the Criminal Justice and public Order Act 1994 only last for three months, upon which an encampment may return, and the cycle of enforcement starts again.
44. In my opinion and experience, those forming unauthorised encampment for the most part are fully aware of how the system works and its limitations. Encampments will often remain in situ – and expressly say that is what they intend to do –until the threat of actual eviction becomes real and only then do they move on. An example of this is the Romsey Rapids encampment in July 2023. Notice under section 77 was served and an order to vacate obtained and served. The encampment did not move on until the bailiff attended site to actually carry out an eviction. The costs of dealing with removal of that encampment were in the region of £4,567 + vat plus clean up costs of £870, so a total of £5,437 for that encampment alone. The Council is also at the mercy of the Court being able to accommodate us for a hearing.
45. The use of byelaws has been mooted by the Supreme Court as a means to deal with these issues. I do not believe this would be an effective remedy in the Borough of Test Valley. Enforcement of a byelaw involves enforcement in the Magistrates Court resulting in a fine. This does not deal with the mischief of the physical encampment itself and a fine is unlikely to be a deterrent to the forming of an unauthorised encampment. Proceedings would be likely to take some time to come before court. Further, in order to take enforcement proceedings, it will also be necessary to establish the identity of those present, which is often difficult.
46. For the period of time which this Council had the benefit of an interim injunction order with associated power of arrest, instances of unauthorised encampments and associated harms considerably reduced. The powerful effect of the order was plain. The number of unauthorised encampments experienced is still lower than before the interim order but is on an upward trajectory since the power of arrest was discharged and the realisation settles that without it, the Claimant's power to take practical and swift action is limited.
47. I therefore ask this Honourable Court to make final the interim order in this matter and reinstate the power of arrest against the named Defendants and those persons unknown forming unauthorised encampments in the Borough of Test Valley.

Notice

48. There is a section on the Council's website where the injunction documents can be accessed [www.testvalley.gov.uk/aboutyourcouncil/injunction-documents](http://www.testvalley.gov.uk/aboutyourcouncil/injunction-documents).

Full and frank disclosure

49. I should alert the court to the fact that some discussion on the topic of the interim injunction took place last summer on social media between a councillor and members of the public.

**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:

A handwritten signature in black ink, appearing to read 'Kareem Khan', written over a horizontal line.

Dated:

11<sup>th</sup> March 2024

**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**

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**TWELFTH 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 on behalf of the Claimants and in support of the Claimants' Application seeking:
  - i. to add further named Defendants to the Claim;
  - ii. to discontinue against D88, Winnie McDonagh;
  - iii. to amend the spelling of the names of D3, D19, D50 and D84;
  - iv. permission to serve this Order by alternative means;
  - v. a further alternative service order in relation to two sites that the Claimants have previously sought to add to the proceedings and over which injunctive relief is sought; and
  - vi. consequential directions.

2. I am authorised by the First and Second Claimants to make this witness statement on their behalf. The facts and matters set out in this statement are within my own knowledge unless otherwise stated, and I believe them to be true. Where I refer to information supplied by others, the source of the information is identified; facts and matters derived from other sources are true to the best of my knowledge and belief. This witness statement has been prepared through email communication with the Claimants' external legal advisers.
3. I exhibit a short bundle of documents and where I refer to the same I do so in the format **KD[exhibit number]**.

### **The Applications**

4. These Applications are made pursuant to paragraph 1 the Order of Foster J dated 29 February 2024 (**KD1**), which itself varied the Order of the Constable J dated 27 December 2023. That Order directed that all additional applications (if any) required to enable the trial to take place on the earliest practicable date thereafter must be made by 14 March 2024.
5. The final hearing in this Claim is listed for 13 and 14 May 2024.

### **Application to add named Defendants**

6. The Claimant applies to add 47 further named Defendants to the Claim. All of these persons have been identified as forming unauthorised encampments in the Borough of Test Valley.
7. As I have explained in previous witness statements, the various rounds of updating evidence that have been produced in these proceedings (as directed by the Court) have disclosed new names and identities of those who have formed unauthorised encampments in the Borough of Test Valley since the issuing of the Claim. Following the decision of the Supreme Court in *Wolverhampton City Council & Ors v Persons Unknown & Ors* [2023] UKSC 47 (to which the Claimants were successful respondents), it is clear that the Claimants must name those persons whom it is reasonably practicable for them to do so. The Claimants now make this Application accordingly.

8. I exhibit at **KD2** a schedule that details the names of the proposed new Defendants and their addresses for service, as well as their proposed Defendant numbers and reference to where the allegations against them can be found in the evidence.
9. The identifying information (ie. names and addresses) have been obtained from the Police National Computer by searching the computer for the vehicle registrations of those vehicles that are identified present at an encampment. The Claimants seek to name the registered keepers of the vehicles as Defendants, as is common in cases of this nature.
10. I should explain that not all persons identified by the various PNC checks have been named as Defendants. The reasons for excluding some persons are:
  - i. in some cases, there are clear anomalies in the data, or a vehicle has been reported to the DVLA as no longer in the ownership of the registered person at the time of the encampment, but no updated registered keeper data was held on the PNC;
  - ii. in many instances, the Police unfortunately did not undertake PNC checks contemporaneous with the encampment, and instead undertook the check later when the Defendant list was compiled. In some instances, the PNC check revealed that the vehicle had changed ownership in the interim period, and historic data is not available to the Claimants. In those circumstances it is not possible for the Claimants to be sure who was the registered keeper at the time of the encampment, such that no person can be named in that regard. This issue is especially prevalent in the updating evidence contained in the third witness statement of Inspector Chris Taylor of November 2022;
  - iii. In relation to the persons identified by way of the updating evidence of November 2022, the Claimants were mindful that most of the address data was obtained by way of PNC checks conducted in August 2022, with the encampments having occurred over the preceding 18-month period. Further, in relation to the updating evidence of March 2024, whilst the PNC checks relied upon were contemporaneous with the relevant encampment, those encampments date as far back as August 2022 (when the period of earlier updating evidence ended). With that in mind, I requested

that the Police re-check the VRM data to ensure that the Claimants had up to date addresses for service. Unfortunately, those checks revealed again that the ownership of several vehicles have changed since the date of the last PNC check, and some vehicles have been scrapped, reported as stolen or the registered owner has declared to the DVLA that they no longer own the vehicle. In those circumstances, the Claimants have not named the person who was suspected to have owned the vehicle at the time of the encampment, as the Claimants have no way of tracing or communicating with that person at this time;

- iv. in relation to the most recent updating evidence (the first witness statement of Inspector Paul Holmes), the exhibits to the witness statement show that contemporaneous PNC checks were not always undertaken, and unfortunately the Police have not provided any ex post facto PNC data. The Claimants have named those persons for whom contemporaneous PNC checks are available.

11. As such, I respectfully submit that the circumstances, the Claimants have done that which is reasonably practicable in the identification of further named Defendants, and have identified 47 persons in that regard, and seek to add those persons to the proceedings accordingly.

12. Given the tight timetable to trial, the Claimants have proposed in the draft Order attached hereto that the proposed new Defendants should follow the same timetable as the pre-existing named Defendants.

### **Application to discontinue**

13. The Claimants seek to discontinue the Claim against D88, Winnie McDonagh, as upon review of the information available to the Claimants, it appears that there is no person of this name at the address stated in Schedule 1 to the Claim Form. Permission is needed to discontinue, as interim injunctive relief has been granted.

### **Application to amend spellings**

14. The Claimants apply to amend the spelling of the following Defendants' names:

- i. D3 Annie Mcdonagh to **Annie McDonagh**;
- ii. D19 Dylan Mcdonagh to **Dylan McDonagh**;
- iii. D50 Loius Ayres to **Louis Ayres**;
- iv. D84 Tommy McDonagh to **Thomas McDonagh**;

15. The alternative (and correct) spelling of the names of these persons has been ascertained by review of the PNC data. I respectfully submit that the amendments are minimal, and the persons who have been served will at all times have known that they are the person to whom the Claim Form and evidence has referred (especially as they have always been referred to by linking them to the VRM of their vehicle). Further, when the earlier Scott Schedules were served on the named Defendants in these proceedings (as directed by Nicklin J), the title to each of the above Defendants' Schedule noted the discrepancy in the spelling and corrected the same. As such, I submit that there is no prejudice in the amendment sought, which is purely typographical, and which is sought to ensure the accuracy of the Claim Form.

16. As the Application to amend the spellings is so minor, the Claimants respectfully seek an Order dispensing with service of what will be the Re-Re-Amended Claim Form.

**Alternative service: two additional sites**

17. The Claimants have the benefit of an alternative service Order which assist in the service of Persons Unknown in these proceedings, and which is replicated across all Orders that the Claimants seek and which are made.

18. By way of an application dated 29 November 2022 (the '**November 2022 Application**'), the Claimants sought to add two further sites to the proceedings, over which they would seek injunctive relief. It had been intended that the Application would be heard on the morning of the final hearing. However, the final hearing has taken quite some time to achieve an effective listing, because of the ongoing (and now concluded) hearing in the *Wolverhampton* appeal.



19. Upon review of the file when making these Applications in accordance with the Order of Foster J, I have noticed that the Claimants have not sought and obtained an alternative service Order in relation to these two sites, which is necessary as these two sites fall outside of 'Area A' and 'Area B', which are currently served under the terms of the alternative service Order from which the Claimants benefit.
20. Accordingly, the Claimants now seek to add a further clause to the alternative service Order that permits service on the two specific sites that they sought to add by way of the November 2022 Application, those being:
- i. The Romsey Rapids, Southampton Road, Romsey SO51 8AF; and
  - ii. Nursling and Rownhams Recreation Ground, Joe Bigwood Close, Nursling, Hampshire SO16 0YL.
21. To ensure that the Application to add the two above sites to the Claim has also been properly served, the Claimants also respectfully seek an Order that permits service of the November 2022 Application on the site, along with all pre-existing documents in the Claim.
22. Given the volume of the documents in this Claim, the Claimants respectfully ask that the documents other than the November 2022 Application Notice itself be served by way of a notice addressed to "Persons Unknown forming encampments within the Borough of Test Valley" advising that a copy of the supporting evidence and all documents in the Claim can be obtained or inspected at the First Claimant's offices. That provision mirrors the current provision for Area A and Area B.

### **Conclusion**

23. Following the above applications, and consequent directions, the Claim should be ready for trial on 13 and 14 May 2024, as required.

**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: .

Dated: March 2024

On behalf of : Claimants

No of Statement: 4

Date: 01.09. 2021

Claim Number:

QB2020-002112

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 & SIXTY FIVE OTHER NAMED DEFENDANTS IN SCHEDULE 1 OF THE CLAIM FORM

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

Defendants

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**FOURTH WITNESS STATEMENT OF KAREN DUNN**

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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 witness statement in order to update the Court as to events since the date of my last witness statement on 15<sup>th</sup> June 2020 within these proceedings and in support of the interim order in this matter being made final.

2. An interim order was made on the 28<sup>th</sup> July 2020 which bore a power of arrest against the named Defendants and the 'Persons Unknown forming Unauthorised Encampments within the Borough of Test Valley'. The power of arrest as against Persons Unknown was discharged on 24<sup>th</sup> May 2021.
3. At paragraph 149 of my witness statement of 15<sup>th</sup> June 2020 I explained that in the event that the Court saw fit to make an interim order, Test Valley Borough Council intended to adopt a Negotiated Stopping and Temporary Transit Agreement. On 17<sup>th</sup> June 2020 this Council's Cabinet formally resolved to adopt a Negotiated Stopping and Temporary Transit Agreement to work in tandem with any injunction order in the event that an order was granted.
4. Once the order was granted on 28<sup>th</sup> July 2020, details of the Negotiated Stopping Policy and Temporary Transit Agreement were published on the Council's website. To date, no approaches have been received seeking to enter into an Agreement. I exhibit a copy of the Agreement at "KD1".
5. The interim order has been effective in drastically reducing the number of unauthorised encampments and associated nuisances within the injunction area and the Borough generally. This can be clearly seen when comparing the figures year on year:

Year	Number of unauthorised encampments
2018	<b>38</b>
2019	<b>40</b>
2020	to 28/07/2020 (date of order) 4 <p style="text-align: right;">} <b>15</b></p> from 29/07/21 11
2021	<b>5</b> (four of which were from July onwards)

6. Some of these encampments comprising the above numbers I am aware of as they were brought to the Council's attention, others I have become aware of having seen the police reports produced by Inspector Taylor.
7. The sealed Interim Injunction order of 28<sup>th</sup> July 2020 was received by the Council on 7<sup>th</sup> August 2020.
8. Since the date of the interim order, there have been circa 15 unauthorised encampments within the Borough; six of which were within the injunction area.
9. The Council developed a very effective working protocol with the police in dealing with encampments and potential usage of the power of arrest under the order. The power of arrest has never been utilised either against named or unknown individuals. Encampments have moved on when advised by the Council and/or the police that they were in breach of an order to which a power of arrest attached and given time to leave.
10. On the 26<sup>th</sup> June 2020 an encampment was established at the Parish Council-owned Nursling Recreation Ground in the South of the Borough, outside the injunction area. I understand that criminal damage was caused in gaining access to the site and that damage was also caused to fencing. I was not aware of the identity of the individuals at the time of the order.
11. On 29<sup>th</sup> June 2020 an encampment set up on a Rugby pitch behind Romsey Rapids Leisure Centre (outside the injunction area). The Council served notice under s 77 of the Criminal Justice and Public Order Act 1994.
12. On 10<sup>th</sup> July 2020, police records show a brief encampment at Lockerley (outside the injunction area) by a family unit who moved on within two days.
13. 21<sup>st</sup> July 2020 police records show an encampment of six vehicles and four caravans belonging to the Bowers family at Picket Twenty Sports Ground, Andover (inside the 'injunction area') and that the padlocks had been cut off the gate to gain entry. The police records show that there was litter on site and hedge cuttings dumped in bushes.
14. On 25<sup>th</sup> July 2020 police records show the Bowers family camped at Ox Drove Andover (again, inside the 'injunction area') with three Ford Transit vans and two caravans.
15. On 27<sup>th</sup> July 2020 police records show the Bowers family including Albert, Joey and Margaret camped at Kingsway, Andover. Human faeces was reported. I personally

received a telephone call from a complainant, advising that cars were being driven on farmland, through hedges and 'doing donuts' in slurry on the land.

16. On 30<sup>th</sup> July 2020. The Bowers family including Joey, Margaret and Albert were shown in police evidence as encamped at Peake Way, Charlton, Andover, on land owned by Vivid Housing Association who I believe ultimately instructed Bailiffs to remove the encampment. This was inside the injunction area with named Defendants but the injunction order had not been received from the court yet.
17. On 24<sup>th</sup> September 2020 a large encampment set up in the car park of 'Rich Foods' in Andover which is inside the injunction area. Police evidence shows aggression to police and confrontation and threats to staff. I attended the encampment with the police and advised of the existence of the order. The encampment moved off shortly after and this coincided with the arrival of bailiffs privately instructed by the landowner.
18. On 18<sup>th</sup> October 2020 a large group of caravans moved on to George Yard Car Park Andover. I attended with police, spoke to group explained about the order and power of arrest they said they were about to leave and did subsequently pack up and leave.
19. 10<sup>th</sup> November 2020, at Charlton, Andover (within the injunction area) an unauthorised encampment was established near the running track. Two Albert Bowers (named person under the Test Valley order) identified themselves. The padlock was broken to gain access. My colleague Tracey Wilson attended with the police and advised of the existence of the order and the encampment moved on.
20. On the 10<sup>th</sup> March 21 an encampment of circa four vehicles and caravans set up at the long-stay car park at the Romsey Rapids Leisure Centre outside the injunction area. The Council served notice to leave under s 77 and subsequently took proceedings and obtained an order to leave. The encampment vacated before the order was enforced.
21. On 30<sup>th</sup> July 2021 an encampment again was established at the long-stay car park at Romsey Rapids, notice to leave was again served, proceedings taken and an order obtained.
22. On 13<sup>th</sup> August 2021 I received notification from Inspector Taylor that two vehicles and caravans belonging to the Bowers family were in situ at the Romsey Industrial Estate, outside of the injunction area and that Mr Bowers was carrying out gardening services in the area. I understand that the family has now moved on.

23. There is currently an encampment in situ at Walworth Industrial Estate, Andover, within the injunction area. The encampment arrived on 25<sup>th</sup> August 2021. Police attended have attended and we have established that there are not individuals named in the existing order on site. I believe the leaseholder of the land has instructed solicitors to action to remove the encampment.
24. A second encampment is currently present at Castle Lane North Baddesley in the south of the Borough outside the injunction area, comprising four caravans and six vehicles on Parish Council land. I understand the Parish Council is contemplating proceedings.
25. The interim order coupled with its power of arrest in respect of named individuals has proved enormously effective in controlling the previously prolific unlawful encampments within the injunction area (which is of course a small proportion of the Borough area). I have no doubt that if the order was not to continue, the situation would simply revert to the previously unacceptable and unsustainable position.

### 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: 1<sup>st</sup> September 2021