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# **KNIGHT REPORT**

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**Report into Traveller Incursions in Solihull**

AUTUMN 2017  
OFFICE OF JULIAN KNIGHT MP

Recent traveller incursions have produced a number of problems for local Solihull residents, and have highlighted some of the current difficulties which are faced with the eviction and council processes. This document is designed to highlight current measures which can be taken, and other measures which the relevant bodies may wish to consider.

Whilst considering this document, it is also important to frame the discussion around the costs which the Local Authority and police face each time there is currently an unauthorised encampment. The physical costs to the Local Authority include, but are not limited to, the cost of court proceedings for each eviction, cost of enforcement of the Court Order, the clean-up cost. But, in addition, they can also include the cost of the time for the Officers and lawyers to be dealing with the incursion, the cost of having to move resources from other projects onto dealing with the travellers, and the subsequent over-time required to catch-up on tasks which were missed whilst dealing with the travellers – ie grass cutting and street cleaning which had to be delayed having to be done on a Sunday.

In relation to the police, this can be where regular patrols have had to be granted overtime to provide a continual police presence at or near some encampments, though this may not always be done, where overtime has had to be sanctioned to facilitate this.

#### **Section 61 of the Criminal Justice and Public Order Act 1994**

The use of this order is carried out by the police, and has a number of conditions attached to it. There must be 6 or more vehicles where criminality or public disorder not capable of being addressed by normal criminal legislation and in which the trespassory occupation of the land is a relevant factor.

Given the threshold of the above, it may not be possible for this to be issued as soon as the travellers enter the land but, there may be a time where the use of Section 61 becomes of importance and in a sense overtakes the position which the Local Authority may be at with the court process.

Precedent from West Yorkshire Police in Kirklees in September 2015, when they used Section 61 to remove travellers from the land at the Dram Sport and Community Centre, which was Local Authority land, as “the centre was due to host a range of community events, football and rugby matches across the weekend which could have been compromised by the occupation.” (Chief Insp Jon Dunkerley, of Kirklees police as quoted in <http://www.examiner.co.uk/news/west-yorkshire-news/police-powers-move-travellers-reluctant-11709747>).

Precedent from Essex Police in Colchester on 21 August 2017 issued a Section 61 the morning after travellers arrived as they were on a leisure centre car park overnight on the 20-21 August 2017. Justification by an Essex Police Spokesman was “...we have made the decision, in agreement with our partners, to issue a section 61 notice, to minimise disruption to the public and local businesses.” (<http://www.eadt.co.uk/news/travellers-believed-to-be-cromer-group-moved-on-from-leisure-world-car-park-in-colchester-1-5157102>).

Precedent from Warwickshire Police in Kenilworth on 17 August issued a Section 61 after a round 20 caravans managed to access Bates Memorial Field at around 9pm on Tuesday August 15. (<http://www.kenilworthweeklynews.co.uk/news/update-travellers-in-kenilworth-park-create-mess-before-leaving-1-8105321>).

Precedent from Hertfordshire Police in Chipperfield. The encampment, consisting of around 20 caravans and associated vehicles, arrived on Chipperfield Common, adjacent to the cricket pitch, on the afternoon of 10 August 2017. The council, as landowners, visited the site and instructed the group to leave. Following reports to the police, they then used their Section 61 powers when the group refused to comply with the council at 4pm on 11 August 2017, with the travellers leaving the land at 7pm. (<http://www.hemeltoday.co.uk/news/travellers-evicted-from-chipperfield-common-1-8106390>).

Precedent from Met Police in Richmond. On Wednesday 30 May 2017 travellers arrived in Richmond Old Deer Park with approximately 20 caravans plus associated vehicles. A Council spokesperson confirmed that on 31 May “The police have served the travellers a notice under section 61 of the Criminal Justice and Public Order Act 1994 requiring them to leave the land within 24 hours.” ([http://www.richmondandtwickenhamtimes.co.uk/news/15322353.Travellers\\_have\\_parked\\_their\\_caravans\\_on\\_Old\\_Deer\\_Park/](http://www.richmondandtwickenhamtimes.co.uk/news/15322353.Travellers_have_parked_their_caravans_on_Old_Deer_Park/))

### **Section 62 A-E of the Criminal Justice and Public Order Act 1994**

The use of this order is carried out by the police, and there are some conditions attached to this Section. Provided conditions are met, this would allow the police the power for immediate removal from public land and onto the alternative provisions. From public research, there is no information available as to how many such sites SMBC may, or may not, have and to what level their current occupancy is at.

A main advantage of using Section 62 powers is that, should a traveller group refuse to follow the instructions of the police, they can be banned from the entire Borough for a period of 3 months.

### **High Court Injunction**

Harlow, Essex, is seen as the flagship Local Authority when it gained an interim injunction in March 2015, which was then granted in full for 18 months at the end of 2015. The initial injunction named 35 travellers, largely from the same family, and also included the additional *Persons Unknown* on more than 300 sites across the Local Authority which were considered ‘vulnerable’ including parks, playgrounds and previously occupied sites.

There were 35 named individuals but they also added the *Persons Unknown* status, which stopped new travellers coming to the Borough and setting up unauthorised encampments.

As part of this, Harlow had previously had an average of 6 unauthorised encampments each month within the Local Authority area between October 2013 and March 2015 when the interim injunction was granted. For any person named by the order, they must leave the land immediately. For those under the *Persons Unknown* category, they have 24 hours to leave the site.

Upon the extension of the Order in June 2017 for a further 3 years, private land was additionally able to be included in the latest injunction, as it had been occupied multiple times. Perhaps there is a lesson here to potentially include private land in Shirley given the occupations over the previous years. This clearly demonstrates that the High Court views that injunctions are both necessary and legitimate and, where a Local Authority is willing, grant reasonable orders.

In addition, there are also injunctions more locally in Birmingham and Sandwell. The Birmingham model is on a much more limited basis and presents exclusions for a small number of names, and *Persons Unknown* in 3 Selly Oak parks.

It is also important that we look for more formal standing policies of dealing with traveller incursions and one of the unique factors which Solihull can use to persuade the court is that our location makes us vulnerable. Given the amount of open spaces we have by comparison to neighbouring Birmingham City Council, and our close proximity to major horse fairs, including Kenilworth and Stow, our green spaces are regularly targeted because of their ease of location and motorway connectivity.

### **Better defences**

We know that a number of the incursions over the past few months have been onto land where the council had, or was in the process of finishing, defences and anti-traveller measures.

We need to assess how and why these defences failed, and what the travellers had to do in order to move them to gain access to the land. It is reported that the tree trunks used to block off some accesses were able to be easily towed by the vans of the travellers and that supposedly 'indestructible padlocks' were able to be broken.

In Shirley, for example, local residents are leading calls for a review of the access points into Shirley Park following on from the latest encampment and are looking to work with the Local Authority over the potential of allowing just one vehicle access point to the land.