

# **Human Rights Act 1998**

## **Record of Incorporation in Decision Making Process**

---

### **Enforcement Proceedings Concerning Travellers**

---

I certify that I have considered the human rights of the Travellers presently located at  
**Layby off the A6116 Lowick to Aldwinkle Road, Northants**

In approaching the matter, I have sought to have regard for their human rights (balanced with the human rights of others) and, in particular, I have sought:

- i) To act fairly, openly and promptly as possible;
- ii) To explain our procedures and requirements clearly in a language which the Travellers understood;
- iii) To consider all matters concerning Travellers;
- iv) To consider any representations on behalf of the Travellers;
- v) To explain the reasons for our decisions.

I claim to be entitled to seek restriction of the human rights of the Travellers both on the basis that there is no human right 'of unlawful trespass' and that I am acting in accordance with the law and further in accordance with the following stated qualifications, namely:

- i) Public safety;  
AND/OR
- ii) The prevention of disorder or crime;  
AND/OR
- iii) The protection of the rights and freedoms of others.

I have approached the question of the necessity of my proposed interference with human rights on the basis that

- i) The action fulfils a pressing social need;  
AND
- ii) The means that the Council employ are proportional to the aim pursued, inter alia having regard to the availability of space for the Travellers in the permanent accommodation in the county.

I have considered the prohibition of discrimination and I am acting on the merits of the matter without discrimination.

On the matter of protection of possessions, the action that the Council is taking is in the public interest and under, and in accordance with the law.

.....  
Authorising Officer

Dated this 30<sup>th</sup> day of June 2021

**NORTH NORTHAMPTONSHIRE COUNCIL**

**NORTH NORTHAMPTONSHIRE COUNCIL  
TRAVELLER UNIT  
SITE VISIT REPORT**

<b>Officer</b>	[REDACTED]		
<b>Initial Date/Time and Source</b>	22/05/2021 - Public		
<b>Log No.</b>	EN21005		
<b>Address</b>	Layby off the A6116 Lowick to Aldwinkle Road		
<b>Location</b>	Layby off the A6116 Lowick to Aldwinkle Road	<b>Grid reference</b>	
<b>Visiting Officer</b>	[REDACTED]	<b>Post held</b>	TLO
<b>Date of arrival of travellers</b>	22/05/21	<b>Date of site visit</b>	29/6/21

NB. If no information is available for any section place **X** in the appropriate box

<b>Adults</b>	<b>First Name</b>	<b>Surname</b>	<b>Status</b>	<b>male/female</b>
Contact Number .....				

<b>Children</b>	<b>First Name</b>	<b>Surname</b>	<b>Date of birth / Age</b>
E W O to be notified			

<b>People over 60 yrs</b>	<b>First Name</b>	<b>Surname</b>	<b>Date of birth / Age</b>
Any special needs			

[illegible]

**NORTH NORTHAMPTONSHIRE COUNCIL  
TRAVELLER UNIT  
SITE VISIT REPORT**

<b>HUMANITARIAN CONSIDERATIONS</b>		
<b>Was any offer made to put travellers in contact with:-</b>		
	<b>Yes/No</b>	<b>Action required / Taken</b>
<b>Health</b>	<b>Yes</b>	
<b>Welfare</b>	<b>Yes</b>	
<b>Housing</b>	<b>Yes</b>	
<b>Education</b>	<b>Yes</b>	
<b>If no, is it considered agency contact is required?</b>		<b>All declined</b>

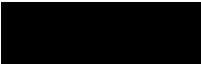
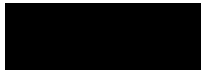








<b>PREGNANCY</b>	<b>Are there any women pregnant?    No</b>			
<b>Name:</b>	<b>Gestation 0 – 3 months</b>	<b>Gestation 3 – 6 months</b>	<b>Gestation 6 – 9 months</b>	<b>Confinement date 00/00/00</b>
<b>Doctor or Practice</b>	<b>Name</b>	<b>Address</b>	<b>Contact No.</b>	
<b>Hospital</b>	<b>Name</b>	<b>Address</b>	<b>Contact No.</b>	
<b>Midwife</b>	<b>Name</b>	<b>Address</b>	<b>Contact No.</b>	
<b>Health Visitor</b>	<b>Name</b>	<b>Address</b>	<b>Contact No.</b>	

## SUMMARY FOR GUIDANCE OF AUTHORISING OFFICER

Nuisance to the Public by:		Evidence to Support
Size		Total of [REDACTED] parked up in a layby which is now full.
Location		Due to the location they have occupied the whole of the layby stopping anyone else using it if required
Duration		[REDACTED] [REDACTED]
Noise		
Fractures to Consider		[REDACTED]
Other (Specify)		CPW/CPN has been served by relevant officers, case now being looked at by LA/Police, no timescale yet.
Impact on adjoining or nearby properties		[REDACTED]
Damage to Council property or prejudice to it's employees		[REDACTED] [REDACTED]
Prejudice to the use of land by legitimate tenants or occupants		[REDACTED] [REDACTED]
Is causing unacceptable impact on the environment		[REDACTED] [REDACTED]

**NORTH NORTHAMPTONSHIRE COUNCIL  
TRAVELLER UNIT  
SITE VISIT REPORT**

**SUMMARY FOR GUIDANCE OF AUTHORISING OFFICER  
HUMANITARIAN CONSIDERATIONS**

<b>HUMANITY</b>		
Are there school age children on site		Notes
Is there provision available for education		
Are they attending school		
Has the EWO been informed		
Have the Travellers been advised on (a) Housing (b) Health (c) Welfare	Yes on all	
Are there elderly or infirm people on site		
Are there any pregnant women on site		
Are there any specific Health or Welfare implications		
Has consideration been given to the general welfare of the encampment		
Are there any reasons why this encampment should remain		

**NORTH NORTHAMPTONSHIRE COUNCIL  
TRAVELLER UNIT  
SITE VISIT REPORT**

**SUMMARY FOR GUIDANCE OF AUTHORISING OFFICER**

<b>RECOMMENDED DECISION</b> <b>(Having taken the above into consideration)</b>		
<b>No action but review in 1 week</b>	<i>Recommendations X</i>	
<b>Consult and seek further information</b>		
<b>Serve direction to leave</b>		
<b>Use High Court/County Court procedure to recover possession</b>		
<b>Use Criminal Justice and Public Order Act</b>	x	
<b>Invite the police to use their powers</b>		
<b>Request a further site visit report. State reasons:</b>		
<div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="width: 60%;"> <b>Signed:</b> <span style="background-color: black; color: black;">[REDACTED]</span> ..... </div> <div style="width: 35%; text-align: center;"> <b>Traveller Liaison Officer</b> </div> </div>		
<b>Authorising Officers Comments</b>		
<p>The Human Rights Act has been taken into consideration before arriving at this decision and I agree with the above recommendation...</p>          <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="width: 60%;"> <b>Signed:</b> <span style="background-color: black; color: black;">[REDACTED]</span> ..... </div> <div style="width: 35%; text-align: center;"> <b>Authorising Officer</b> </div> </div>		

## Northamptonshire Traveller Unit Eviction Rationale Record

<b>Location</b>	Layby off the A6116 Lowick to Aldwinkle Road, Northants
<b>Date CTU first informed</b>	22/05/2021
<b>Land Owner</b>	Northamptonshire Highways
<b>Site Reference No'</b>	EN21005

### General Information/Summary

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Relevant officers have served a CPW and followed it up with a CPN, and they are now looking to proceed to court with a prosecution.



### *Aggravating factors relating to the camp*

[REDACTED]  
[REDACTED]  
[REDACTED]

### Mitigating factors relating to the camp (including welfare issues)

None



Eviction decision				
Council Powers Used		Police Powers Used		
Request/Negotiate to Leave	<input type="checkbox"/>			<input type="checkbox"/>
Section 77 CJPOA 1994	x			<input type="checkbox"/>
Section 78 CJPOA 1994	x			<input type="checkbox"/>
				<input type="checkbox"/>
<b>Comments</b>  <b>Decision to evict made following reference to Appendix A – Grounds for Eviction policy and Appendix C – Code of Practice for Travellers</b>				
What dates are notices to be served?	Section 77	01/07/21	Section 78	TBC
When is the proposed eviction?	Date	TBC	Time	TBC
NB: THE PROPOSED EVICTION MUST BE PROPORTIONATE IN THE CIRCUMSTANCES				
Signed: 		Date: 30/06/21		
Position: TLO				