

PARISH CONFERENCE

TUESDAY, 30 OCTOBER 2018

PRESENT: Councillors Christine Bateson (Chairman) and Parish Councillor Mandy Brar (Chairman)

Also in attendance: Councillor David Coppinger (Bray), Councillor Malcolm Beer (Old Windsor), David Burfitt (Hurley), Harry Clasper (Datchet), Des Warren (Shottesbrooke), Alan Keene (Bisham), Amanda Robson Brown (Bisham), Martin Coker (Cookham), Chris Graham (Bray), Benta Hickley (Horton), Peter Lord (Wraysbury), Jane Clemance (Wraysbury), Margaret Lenton (Wraysbury), Stephen Hedges (Cox Green), Ian Harvey (Cox Green), Jo Stickland (Datchet), Susan Cook (Bray), Anne-Catherine Buxton (Sunningdale), Ruth Davies (Sunningdale), Anne Horner (Old Windsor), Jane Dawson (Old Windsor), Allison Sharpe (Sunninghill & Ascot), Bob Austen (Eton Town Council), Barbara Story (Sunninghill & Ascot) and Sandra Baker (Hurley).

Officers: Jenifer Jackson, Jenifer Jackson, Andy Jeffs, Shilpa Manek, Suzanne Martin and David Scott

WELCOME AND INTRODUCTIONS

Councillor Bateson and Parish Councillor Mandy Brar welcomed all to the Conference.

ACTION: The Conference agreed to invite the Leader of the Council to all future Parish Conference's.

APOLOGIES FOR ABSENCE

Apologies for Absence were received from Mrs MJ Streater (Waltham St Lawrence), Ken Elvin (Bray), Katy Jones (Datchet), Councillor Hewer (Cookham) and Inspector Louise Warbrick.

MINUTES FROM LAST CONFERENCE

Chris Graham, Bray Parish Council, requested an amendment to the minutes. Chris Graham asked to add a sentence that Councillor Dudley had said, this was: Councillor Dudley said "he did not support the politicisation of Parish Councils".

The Conference Unanimously agreed to add this to the minutes of the last meeting.

Once amended, the minutes were duly Agreed.

RESOLVED: After making the above amendment, the minutes were agreed as a true and accurate record.

It was also agreed by the Conference that any information in reports be referenced to the original source.

Councillor Bateson read out the latest update on the Borough Local Plan which had been provided by Planning and read:

The Council has responded to the Inspector's advice contained in ID07. This went to the Programme Officer on Friday 26 October 2018 and includes a signed statement of common ground with the Environment Agency. Once the Council has received authority from the Programme Officer it will upload its response (referenced RVWM/18 & 19) to the website. The Council will then wait to have a response to its documents RBWM/18 & 19 from the Inspector.

UPDATE ON THE PARISH CHARTER (15 MINS)

Stephen Hedges, Cox Green Clerk, gave an update to the Conference on the Parish Charter. The Conference were informed that the working group had worked really hard to develop a revised parish charter. It was considered reasonable for all parties and made sure that each understood the role of the other which was the best way for effective communication.

The Conference members had all been sent the new Parish Charter in advance of the Conference in order for all to endorse.

Chris Graham proposed to endorse the new parish Charter and this was seconded by Anne-Catherine Buxton. **RESOLVED: This was Unanimously Agreed by the Conference.**

Andy Jeffs thanked Stephen for all his hard work and the working group for working so well together and developing a new Parish Charter. Andy Jeffs thanked the Conference for agreeing to adopt the new Parish Charter which would be implemented with effect from May 2019.

UPDATE ON BERKSHIRE ASSOCIATION OF LOCAL COUNCILS (BALC) (10 MINS)

Chris Graham, Bray Parish Council, informed the Conference that the County Officer had resigned and Hampshire County Council were currently providing member services on the operational side. Chris Graham informed the Conference that Sandra Baker and Martin Coker as well as himself had been carrying out all other work and the Chairlady had been resolving queries. The decision had been made that BALC would continue to use the services of Hampshire County Association for Services but further details were going to be discussed at a meeting with the CEO on Tuesday 6 November.

Chris Graham informed the Conference that the AGM was also coming up on Wednesday 14 November at Shinfield. The Hampshire County Association representative would be there to answer any questions. Conference members should contact BALC if they had any further questions. All Conference attendees confirmed they had received the newsletter that Martin Coker had sent around.

Councillor Allison Sharpe asked what were the benefits of being a member of BALC. Chris Graham informed the Conference that the clerks of each parish council would be able to explain the benefits as they used BALC the most. BALC Office provide administration for membership, training for councillors and clerks, dissemination of information, information such as legislation and consultation documents relevant to the work of town and parish councils, liaison with NALC when necessary, administration of quality council accreditation and responding to individual enquiries from member councils.

Councillor Barbara Story asked if Hampshire County Association were happy to join work with BALC and was informed that they were and discussions were taking place on how to shape the working relationship. It was indicated that the new arrangements for BALC would likely be moving to a limited company.

UPDATE ON MAY 2019 ELECTIONS (15 MINS)

Suzanne Martin, Electoral & Information Governance Services Manager, gave a presentation on the May 2019 Elections. The presentation concentrated on three main aspects, standing for election, fees and purdah.

The combined elections, borough and parish would be held on Thursday 2 May 2019.

Suzanne went through the timetable for parishes to follow and the fees that would be charged to the parishes. Suzanne went through the next steps and informed the Conference that letters to each parish council with the outline of indicative costs of elections would be due out in November 2018, written purdah guidance would also be sent to all in November 2018, prospective candidates and agents briefing will be held on 27 February 2019 and nominated candidates and agents briefing would be on 4 April 2019.

Suzanne Martin could be contacted on Suzanne.martin@rbwm.gov.uk or on 01628 682935 for further information. The presentation would be issued.

FUTURE PARISH COUNCIL LIAISON ARRANGEMENTS (10 MINS)

Andy Jeffs informed the Conference that during and after the senior leadership restructure, the council would continue to work with parish and town councils as it has been, working on improving relationships further.

Andy Jeffs informed the Conference that on Tuesday 23 October, Alison Alexander decided to step back from day to day running of the council. The interim MD was Russell O'Keefe. On Monday 5 November, there would be an extra-ordinary full council meeting at RBWM where the interim appointments to fill the statutory roles that Alison Alexander held would be confirmed. These appointments will remain in place whilst the recruitment of a new Managing Director was ongoing. In addition David Scott would be the Returning Officer and Electoral Registration Officer until the new MD was appointed and a long term appointment to this role was confirmed.

Andy Jeffs informed the Conference that both he and David Scott would have new roles and David Scott with effect from January 2018. The change in senior leadership included two executive directors being reduced to one executive director and that was Russell O'Keefe. Andy Jeffs reassured the Conference that his new role included liaison with parish and town councils. The relationship had improved over the last year and by working collaborately, this would continue to improve, in order to provide the best service to residents and businesses.

BRAY PARISH COUNCIL - EXPERIENCE ON TRAVELLERS (30 MINS)

Susan Cook, Bray Parish Council Clerk, gave a presentation to the Conference on their experience with travellers, during 2018.

Susan Cook informed the Conference that Bray Parish Council had experienced an unprecedented number of unauthorized encampments by travellers this year. At the time, it had proved to be very difficult to get together with the police, the council and local residents to discuss how such problems should be dealt with if they re-occurred. There was also a lack of printed information. After a number of separate conversations, a set of template documents had been developed by Susan Cook, to use when dealing with unlawful incursions as effectively as possible for the parish council to use. The parish council, when dealing with unauthorised encampments on Parish land, is considered a Private Land Owner and has the same rights in law and has to follow the same procedures as private landowners when faced with the same situation. It should be borne in mind that trespass is not a criminal offence but a civil one.

Parish Councils needed to be aware that the process of dealing with unauthorised encampments takes a lot of time, puts all else on hold, may happen at any time and be very demanding.

Susan explained that in her experience the following process is best to follow:

- Firstly, a timeline must be started - with all the dates and times of when events occur. The timeline should be a standalone document that all can access and should include telephone numbers and email addresses for the police and council officers of those at the Parish dealing with the incursion.
- Contact the police on 101 - advising them on the exact location, number of vehicles and requesting a URN number, share this URN so that all further reports can be linked to the same incident.
- Request a Section 61 Notice be considered by the Police - The clerk or a Member of the Parish Council needs to ask the police to consider if they will invoke use of their powers under Section 61 of the Criminal Justice and Public Order Act 1994, especially if any property had been damaged, threatening behaviour has been experienced when there are six or more vehicles.
- Issue an Eviction Notice – ask the police to accompany the clerk as the 'landowner' and a ward councillor to the site in order to issue the eviction notices to each vehicle, this should require the travellers to leave by 4pm on the day that the notice had been served and advising that the council would apply to Slough County Court for a repossession order if the notice was not complied with by that time. Provide a map that highlighted the whole area referred to on the eviction notices. The police would need to coordinate officers to attend, and would wear cameras. This year the usual meeting time has been between 10:30 and 11:30. Do NOT go on your own, ask a Councillor to attend with you. Do not allow other Councillors to tag along – it has the potential to cause friction! While you are waiting to meet with the police, continue to deal with the phone calls from local residents. Advise residents to phone and report to the police giving the URN number that you have already been using. The more people who contacted the police the better the understanding of the community impact from the unauthorised incursion and the greater the chance of getting Section 61 served.
- Do not engage with the travellers - allow the police to respond to any questions or conversations. The police would explain to the travellers why they are attending, they would introduce you as a member of staff acting for the council and advise them that you would be serving them notice to leave. Some travellers would say they cannot read, be prepared to read the notice to them. If they ask for an extension, just say no. This would not be a pleasant experience as the travellers could get aggressive and angry. In this case, police need to ensure they comply with the Equality Act 2010 and Public Sector Equality Duty and have due regard to the need to eliminate unlawful discrimination and promote equality of opportunity and good relations between persons of different racial groups. Police Action must be: Lawful, Proportionate, Necessary and Least intrusive. The police would usually take this opportunity to issue a Code of Conduct so allow the police to leave a copy of the eviction notice on empty vans with their code of conduct. Bray parish council includes that same code of conduct on its eviction notice.
- Photograph a copy of the eviction notice - pinned at the entrance to the area occupied so that any additional travellers accessing the area do not need to be served and providing proof that the notice had been served, particularly in the case where

attending police officers do not tell their superior officers that they had attended the site.

- Collate any evidence of damage - as background information for either a possible Section 61 eviction by the police or as evidence during a court process. Note registration numbers of vehicles in the event of further incursions, information can be provided to the police of proof that travellers were in breach of either a Court Repossession Order or Section 61 notice issued within the previous 90 days. Providing this information is to all intents and purposes doing the work of the police, however TVP have a very real recruitment problem and if this saves work for them and if it secures a Section 61 notice early then it is a 'win win' situation. It also provides proof if it is needed during the court process.
- A Code of Conduct should be issued - to the travellers by the Police, which advises of the behaviours that may result in the police evicting travellers from the site using Section 61 Powers.
- Any breaches of the Code of Conduct or criminal activities - that are experienced during the eviction period should be reported to the police using the same URN number so the police are able to build up a profile that may enable them to invoke a Section 61 Order.
- Advise RBWM of the incursion - so that they can liaise with Police and be able to answer queries from residents as well.
- Continue to log on your timeline reports - from the public and email this to the police at Force.Control@thamesvalley.pnn.police.uk and to controlroom@rbwm.gov.uk with a copy of the eviction notice, code of conduct and map of the area.
- Thames Valley Police do have a joint protocol with local authorities for dealing with unauthorised encampments and to date the Police have invoked Section 61 in the majority of cases so the Parish Council has not had to continue with Court Action. Common Law entitles parish councils the right to employ bailiffs however this is usually seen by travellers as being confrontational and can lead to violence, so is not usually supported by the Police, Eton College however use it successfully.
- If there were a number of children around and it is not school holidays it may be worth asking RBWM welfare departments to consider the welfare of the children, this may encourage the travellers to leave, not tried it yet but it could work.
- Prepare to go to Court to obtain a possession order under Part 55 of the Civil Procedures Rules by using the online application form at Slough County Court, which has jurisdiction for the area. A possession order will usually be secured within a week.
- Be prepared to attend Court with Solicitor, to advise where the encampment was situated, how many caravans and how many motor vehicles, chronological timeline of events, photographic evidence of security prior to incursion and details of damage caused. There was no requirement to provide any reason for the eviction other than it is private land. The Order would be written at this time, which was why attendance at court was required.
- Serve the Order as soon as possible asking the police to accompany and advise both travellers and police that Bailiffs will be employed to evict if the order was not complied with within 24 hours.
- Thames Valley Police advise that Landowners should review the security of their land and take measures to prevent against unlawful incursions by travellers.
- Currently the Parish Council was working with planning through a pre-app to look at what measures it could take to protect its land, The Parish Council have liaised with residents and suggested a number of measures and hope these will have these in place for the start of the traveller season next year.

David Scott informed the Conference that the borough were working very closely with Thames Valley Police (TVP). TVP had developed a force wide protocol that they wanted the borough and landowners to adhere to. The TVP Protocol was a useful reference document for parish councils but had not been formally endorsed by the borough. RBWM were working on the line that they would not be tolerant to travellers. David Scott reiterated that it was very important to establish a URN early on and then all to use the same URN. It was necessary for parish council and residents to give specific objective reasons on why they wanted the travellers to move on, reasons could include damage to property and anti-social behavior. It was a good idea to use the standard form to report and provided in the TVP protocol. The borough had had approximately sixteen unauthorized encampments by travellers in 2018 and the police had been very helpful to very quickly move these on using their S61 Powers because they had the necessary evidence to support the use. David Scott informed the Conference that work was still being carried out with TVP locally in order for work to ensure that the systems and process still ran smoothly even if key individuals were not on shift

Joanne Stickland, Datchet Parish Council suggested have good working relationships with the local neighborhood police officers, especially that were present in your ward as they could inform you when the travellers were moving on so you could track that they were leaving the area.

Chris Graham asked for an update on transit sites and was informed that there were no transit sites in RBWM or in the entire TVP area. If an area had a transit site, the travellers could be asked to move to it and if they didn't, a section 61 notice could be issued. Councillor Coppinger informed the Panel that the council were currently looking into considering a transit site, however, no decisions had been made yet. When a decision had been made, it would be brought back to the Conference. With regard to housing needs assessment, Jenifer Jackson commented that Datchet had a settled traveller site and residents at the site were considered residents of RBWM. The first draft traveller local plan would be available in January 2019.

ITEMS FOR FUTURE MEETINGS

The Chairman advised the Conference to speak to or email Sandra Baker or Shilpa Manek to raise any Agenda Items.

Conference members raised the following points:

- Parking for attendees of the Conference whilst York House was closed. It was suggested that the library car park and Victoria Street car park or Alma Road car park.
- CIL Monies – where was this information available on the website. It was pointed out that it was all available on the transparency pages. During the next round, all parish councils would be getting a letter about their own individual parish council.
- Parish Stakeholders Meeting was on Tuesday 13 November, could discuss CIL further at that meeting.

DATE OF NEXT CONFERENCE

Conference Members noted the date of the next Conference to be:

Monday 11 February 2019 – 7pm – Council Chamber, Town Hall, Maidenhead

The meeting, which began at 7.00 pm, finished at 8.45 pm

CHAIRMAN.....

DATE.....