



B O S T O N

B O R O U G H C O U N C I L

REPORT TO:	BOSTON TOWN AREA COMMITTEE (BTAC)
DATE:	24 TH SEPTEMBER 2020
SUBJECT:	WOODVILLE ROAD ILLEGAL ENCAMPMENT – JULY/AUGUST 2020
REPORT AUTHOR:	PETER HUNN / MATTHEW FISHER / NIGEL HALL
EXEMPT REPORT?	NO

SUMMARY

In order to consider security on the green spaces under its control and Woodville Road specifically after the recent illegal encampment on this site between Friday 31st July 2020 and Wednesday 5th August 2020, BTAC Chairman, Councillor Paul Goodale, has arranged for a special meeting of the Committee to be held accordingly.

As requested by the BTAC Chairman, this report highlights a timeline schedule of the council's dealings with this illegal encampment. It also details reports made to the police and council, actions of council officers, costs in relation to dealing with this incident, both internal and external and quotations received in to target harden the Woodville Road green open space area to prevent reoccurrence of this issue again in the future.

RECOMMENDATIONS

1. That members review, comment, and challenge the information presented within the report and its appendices.
2. That members provide £19,470 to fund the protection of Woodville Road recreation ground with a galvanised steel fence, similar to that already in place around the play area.

REASONS FOR RECOMMENDATIONS

1. To enable members to review, comment, and challenge the information presented.
2. The green open space site on Woodville Road has seen illegal encampments set up four times in the last three years. On each occasion, but especially on this last occasion, it has seen numerous reports to both the police and council and has had a detrimental effect on residents and businesses in the local area.

Increased target hardening of this site, would discourage and prevent further illegal encampments from occurring and protect the asset giving confidence to residents that this type of occurrence would not happening again in the future on this site.

ALTERNATIVES CONSIDERED

1. Do nothing. This option is not recommended due to the negative impact on residents and businesses within the area, the costs associated to the council and other agencies such as the police in dealing with the illegal encampment and then the clean-up and repair of the site after the encampment has left.

REPORT

1. Timeline of Woodville Road illegal encampment incident – Friday 31st July 2020 to Wednesday 5th August 2020.

- 1.1. **Appendix 1** of this report highlights the full timeline and schedule of all reports/dealings in relation to this incident.
- 1.2. This incident was first reported to the police at 1254hours on Friday 31st July, 2020. Police Incident 215 of same date details that vehicles and caravans have started pulling up on Woodville Road green open space.
- 1.3. Customer Services at Boston Borough Council was first made aware of this incident at 1303hours on Friday 31st July, 2020. An email was sent to the Duty ASB Officer informing them of the call.
- 1.4. Duty Anti-Social Behaviour (ASB) Officer picks up incident and starts dealing at 1345hours on same day, speaks to police to arrange service of injunction and other legal notices at 1500hours and speaks to Cllr Rush and a number of other residents calling in to report incident.

2. Service of High Court Civil Injunction and Section 77 Direction to Leave Land and Remove Vehicles Notice.

- 2.1. At 1510hours on Friday 31st July, 2020 the duty ASB officer and police attend the site and serve each occupant with a copy of the council's High Court Civil Injunction Order. This can be found at **Appendix 2** of this report. The duty ASB officer also serves each occupant with a Section 77 Directional Notice, this can be found at **Appendix 3** of this report.
- 2.2. Attending police officers take details of all vehicles and add to police incident 215 of 31st July, 2020.
- 2.3. Occupants on site inform officers at this visit that they will be leaving site on the evening of Sunday 2nd August.
- 2.4. Over the next two days a further 13 police incidents were reported to Lincolnshire Police which were alleged to involve occupants from this illegal encampment. A further 4 emails were sent to the ASB Team reporting concerns about the occupants and numerous social media comments were made via the council's social media and other platforms.

3. Site Visit by Duty ASB Officer and Police – Monday 3rd August.

- 3.1. A joint visit was made again to the illegal encampment at 1000 hours on Monday 3rd August, 2020 after the occupants had failed to leave the site. Photos were taken on this visit and a selection can be found at

Appendix 4 of this report. The occupants were asked to clean up rubbish and rolls of black sacks were given for this purpose.

- 3.2. Duty ASB Officer made contact with an officer of the National Vehicle Crime Intelligence Service (NAVVIS) at 1145hours on same day to make an appointment to attend the site for further checks to be undertaken on all vehicles. A joint visit was arranged for 1400hours on Tuesday 4th August, 2020.

4. Service of Section 78 Summons to attend court on Thursday 6th August, 2020 at 1400hours.

- 4.1. Duty ASB Officer and Police attended the site at 1715hours on Monday 3rd August, 2020 to serve Section 78 summons for occupants to attend court on Thursday 6th August, 2020. **Appendix 5** of this report shows Section 78 summons served.
- 4.2. Police Incident 36 of 4th August 2020 highlights a report from the occupants that someone has tried to petrol bomb their caravan.

5. Site Visit by Duty ASB Officer and Police – Tuesday 4th August.

- 5.1. Duty ASB Officer and Police attend site to offer reassurance in relation to incident detailed under 4.2 of this report. All occupants spoken to could not offer any descriptions other than possible males and possible foreign involved in this incident. Only fire damage observed were to the roundabout play equipment on this site. **Appendix 6** of this report shows a selection of photos taken at the time of this visit showing damage to play equipment, signs of defecation and rubbish on site.
- 5.2. Duty ASB Officer informed occupants on this visit that he would be attended again later with an officer of NAVVIS to conduct further vehicle checks. On hearing this some male occupants started to become aggressive to attending officers and threatened to break people's fingers if their caravans were touched. They also stated that if officers messed with them any further they would bring another 50 caravans and they would never leave the site.
- 5.3. The attending Police Sergeant liaised with their Duty Police Inspector who made the decision that the NAVVIS officer or any other police officer should not attend the site again, unless for an emergency or life threatening reason, but to await the court date before any further visit / action was taken. The duty inspector detailed on the original police incident that the decision was made because the police did not have adequate resources at that time to deal with large disorder, which he believed was likely to happen.

- 5.4. On hearing this update from the Police, the decision was made that no council officer should visit the site again until after the occupants had left.

6. Occupants leave the site starting at 1824hours on Wednesday 5th August.

- 6.1. Police report that the occupants start to look like they are getting ready to leave the site at 1824hours on Wednesday 5th August and a resident then updates the police that they start to move off the site from 1930hours onwards.
- 6.2. The Duty ASB Officer attends the site at 2200hours and confirms that all the occupants have left the area, internal contact is made with other officers of the council to make sure the play equipment area is sealed off and the area commences clean up the next day.

7. Clean-up operation commences at 0600hours on Thursday 6th August.

- 7.1. The Council's environmental operations team attended the site at 0600hours to assess the damage and to start the clean-up operation. The damage consisted of one item of play equipment and safety surfacing had moderate fire damage and two items of equipment, the pirate ship and climbing frame, were heavily contaminated with human faeces and associated waste. There was also a significant amount of litter. Due to the bio hazard presented on site, the play area was closed, contaminated equipment was fenced off and bio hazard signage was installed.
- 7.2. The initial clean-up operation completed on 6th August, however, due to the high level of offensive contamination, a deep sanitisation and pressure wash started on 10th August and completed on 11th August. **Appendix 7** of this report shows a selection of photos taken at the time of this clean-up operation, showing the condition of the site on first attendance and some clean-up operation photos in progress.
- 7.3. The play area was reopened on Wednesday 12th August.

8. Associated costs with regard to this illegal encampment and quotation for target hardening of the Woodville Road recreation area.

- 8.1. The total cost in relation to the Environmental Operations activity and time spent removing rubbish and cleaning up the site during and after the occupants left the site was £3,107.75.
- 8.2. The total cost in relation to the Duty ASB Officer's time spent dealing with this incident was £554.04.

- 8.3. The total cost in relation to all external solicitor and court costs spent dealing with this incident was £473.69.
- 8.4. There are four options to consider in respect to target hardening Woodville Road. These are:
- 8.5. **Option 1.** Install a galvanised steel fence along Sleaford Road and Woodville Road, with a vehicular access gate for maintenance vehicles on Woodville Road. The cost of this is £19,470. The fence would be similar to fencing currently around the play area. This option will provide the least visually intrusive barrier to the space and would be visually fitting with the amenity of the area. This option will not cause additional grounds maintenance costs and will provide the necessary protection against future illegal encampments. Added value to this option, it will improve the safety of the site as it would prevent younger users of the playing field running from the field directly out onto the road.
- 8.6. **Option 2.** Install a 1m high soil bund around the recreation ground. The cost of this is £43,540. This option is expensive and will likely cause disruption and take some time to install. Whilst this option may deter future illegal encampments, soil bunds can be easily removed or damaged and will cause additional maintenance costs and problems.
- 8.7. **Option 3.** Install concrete bollards at 1.6m centres around the recreation ground. The cost of this is £18,620. This option will require installation of removable bollards to enable maintenance vehicle access. Removable bollards are a risk for enabling illegal encampments. This option will also increase grounds maintenance costs significantly.
- 8.8. **Option 4.** Do Nothing. This recreation ground has been targeted by illegal encampments on 4 occasions within the last few years, this option will not provide any protection against illegal encampments.
- 8.9. **Appendix 8** of this report is an update from Nigel Hall, Property Services Officer for Boston Borough Council providing quotations for target hardening of the Woodville Road recreation area in a bid to discourage this incident from occurring again. The quotations are shown in the financial implication section of this report.

9. Legal advice from Lincolnshire Legal Services to supplement this report for members.

- 9.1. **Appendix 9** of this report is an update from Lincolnshire Legal Services Senior Solicitor Andrew Goldsborough on the council's current injunction order, legislation used on this illegal encampment and the previous illegal encampment on Shelton's Field, Robin Hoods Walk in June this year and any new or changing legislation with regard to the dealing of illegal encampments in the future.

10. Consultation comment received from Lincolnshire Police to supplement this report to members.

- 10.1. **Appendix 10** of this report is an update from Lincolnshire Police, namely Inspector Nick Waters, who was covering Boston Borough during the time of the illegal encampment and which details the work of the local neighbourhood policing team at the time and his decision making on behalf of Lincolnshire Police throughout the incident. Insp Waters details that because officers of the council had already commenced legal process and to balance the needs of the occupants of the illegal encampment during Covid-19, he felt it proportionate to allow the legal action taken by the council to be run, without the requirement of any further legal action by the police with regard to their removal.

11.0 CONCLUSION

- 11.1 This report and attached appendices gives a timeline schedule and update to members on the council's actions, dealings and associated costs with regard to the recent illegal encampment on Woodville Road recreation ground between Friday 31st July 2020 and Wednesday 5th August 2020.
- 11.2 The report highlights the areas other agencies such as Lincolnshire Police, Lincolnshire Legal Services and the Courts play when the council has an incident of an illegal encampment set up on an area it owns or has control.
- 11.3 The Woodville Road recreation ground has now seen four separate incidents of illegal encampments set up within the last 3 years.
- 11.4 Each occurrence has seen an increase in reports of crime and anti-social behaviour and the effect on local residents, businesses and services has had a massive detrimental effect on lives and wellbeing.
- 11.5 The report highlights the councils and other agencies resources, including costs to the council, in dealing with incidents of this nature and in particular associated to this latest incident.
- 11.6 The report also highlights to members what legal powers is currently available to the council and any new prevailing legislation which may be enacted or coming in the future.
- 11.7 The recommendation of this report is to find the required finances to target harden the Woodville Road site to prevent reoccurrence in the future.

FINANCIAL IMPLICATIONS

The costs in relation to the Environmental Operations Teams activity and time spent removing rubbish and cleaning up the site after the occupants left the site -
Total Cost = £3,107.75

The costs in relation to Duty ASB Officer's time spent dealing with this incident –
Total Cost = £554.04

The costs in relation to all external solicitor and court costs dealing with this incident -
Total Cost = £473.69

Appendix 8 highlights the quotation costs received in for target hardening of the site:

- Galvanised steel pedestrian guard – Quotation 1 = £24,487
- Galvanised steel pedestrian guard – Quotation 2 = £19,470
- Galvanised steel pedestrian guard – Quotation 3 = £24,543

- 1m high soil bund – estimated cost = £43,540
- Concrete bollards spaced at 1.6m centres – estimated cost = £18,620 (this target hardening security option was discounted hence further quotes and have not been sought).

LEGAL IMPLICATIONS

The Council has a legal duty under the Health and Safety at Work etc. Act 1974 to maintain and repair land and premises under its control/ownership.

The Occupiers Liability Act 1957 places a common duty of care on the Council to take reasonable care to ensure a visitor is reasonably safe in using the premises.

Appendix 9 of this report is an update from Lincolnshire Legal Services Senior Solicitor Andrew Goldsborough on the council's current injunction order, legislation used on this illegal encampment and the previous illegal encampment on Shelton's Field, Robin Hoods Walk in June this year and any new or changing legislation with regard to the dealing of illegal encampments in the future.

CLIMATE CHANGE IMPLICATIONS

None

EQUALITY AND SAFEGUARDING IMPLICATIONS

None

OTHER IMPLICATIONS

None

CONSULTATION

- Consultations for this report were held with Lincolnshire Legal Services and their update can be found under Section 9 of the report, the legal implication section of the report and **Appendix 9** of this report.
- Consultations for this report were held with Lincolnshire Police, Sector Inspector for South Holland Nick Waters, who was covering for Boston Inspector Fran Harrod at the time of the illegal encampment and this update can be found under Section 10 of the report and **Appendix 10** of this report.

APPENDICES

Appendices are listed below and attached to the back of the report: -

APPENDIX 1	Woodville Road Green Open Space – illegal encampment July/August 2020
APPENDIX 2	High Court Civil Injunction Order
APPENDIX 3	Section 77 Direction to Leave Land and Remove Vehicles Notice
APPENDIX 4	Selection of photos taken at site visit by attending council officer
APPENDIX 5	Section 78 Summons
APPENDIX 6	Photos taken at Site Visit – 4 th August
APPENDIX 7	Photos taken at Site Visit – 6 th August
APPENDIX 8	Report submitted by Nigel Hall including quotation costs for target hardening of Woodville Road green open space site
APPENDIX 9	Report submitted by Andrew Goldsborough, Lincolnshire Legal Services Senior Solicitor
APPENDIX 10	Consultation Update from Lincolnshire Police

BACKGROUND PAPERS

No background papers as defined in Section 100D of the Local Government Act 1972 were used in the production of this report.

CHRONOLOGICAL HISTORY OF THIS REPORT

A report on this item has not been previously considered by a Council body.