

Present: Councillor Paul Goodale (Chairman), Councillors Alison Austin, Alan Bell, Anton Dani, Anne Dorrian, Deborah Evans, Martin Griggs, Neill Hastie, Martin Howard MSc. PCGM, Cert Ed, Brian Rush, Yvonne Stevens and Stephen Woodliffe

Officers –

Assistant Director - Regulation, Assistant Director - Support Services & Partnership and Senior Democratic Services Officer

Guests:

Representing Lincolnshire Police:

Chief Superintendent Chris Davison, Area Commander for East Lincolnshire
Chief Inspector James Trafford, Boston and South Holland
Chief Constable Bill Skelly

Marc Jones, Lincolnshire Police and Crime Commissioner
Matt Warman, MP for Boston & Skegness

79 APOLOGIES

There were apologies for absence from Councillor Viven Edge.

80 MINUTES

The minutes of the meeting held on 24th September 2020 were agreed as a correct record, to be signed by the Chairman.

81 DECLARATION OF INTERESTS

None.

82 PUBLIC QUESTIONS

None.

83 POLICE RESPONSE TO ILLEGAL ENCAMPMENTS

On 24 September 2020, the Committee received a report relating to an illegal encampment that took place on the open space on Woodville Road, Boston during July/August 2020. The report set out the timeline of dealings with the illegal encampment, including the actions of Council officers, the reports made to the police and the police response.

During that meeting, Members heard that the actions of the local police team during the incursion had been faultless. However, they were not satisfied with the regional response of Lincolnshire Police and it was agreed to hold a special meeting and invite representatives from Lincolnshire Police, the Police & Crime Commissioner and the MP for Boston & Skegness in order for Members to put their concerns to them.

The Chairman explained that at the meeting in September, the Committee took the decision to fence off the Woodville Road open space and look at the security of BTAC's other sites to try and prevent further illegal encampments. However, this was not enough.

In particular, there was concern about the decision by the Police on 4 August not to revisit the site at Woodville Road despite a Council officer being threatened with physical violence. The reason given by the police was that they did not have adequate resources to deal with a large-scale disorder, which they believed was likely to happen. This raised the questions: were extra resources available in the county; if so, could they have been deployed; if not, was assistance available from neighbouring police authorities and were there enough resources in Boston today if this incident was repeated.

The Chairman then invited the guests to share their views on the way forward to policing illegal encampments in the future and reassuring the people and local businesses of the town.

The Chief Superintendent expressed appreciation of the recognition of the actions of local police officers and then gave a summary of the police response to the incident. This began at 12:54 on 31 July when the initial non-urgent call was received. At 13:17 the force control room assigned a Boston police constable to deal with the incident; however, that officer was committed to a high-risk incident elsewhere. The neighbourhood police were made aware of the incident and they made repeated visits to the site. However, Inspector Waters, knowing of the threat of physical violence and that tension was high, decided officers should not re-attend the site because, if the situation escalated, which he deemed probable, the police would not have sufficient resources to deal with it.

The Chief Superintendent considered that the use of the court process by Council officers had been the right course of action. There had been criminality, but no indictable offences and confrontation had not been necessary. The police had to consider a threat and use the "least possible force" in response to it. It was considered that, had the incident escalated, the police would have needed 160 police officers to deal with it, putting them at risk of having to self-isolate. COVID-19 restrictions meant they had to limit unnecessary contact to avoid the necessity of self-isolation because it would reduce available resources.

When considering whether anything could have been done differently, the Chief Superintendent suggested that a multi-agency decision-making group was the right approach. This would involve each agency using their decision-making powers together, which would avoid misunderstandings and ensure there were sufficient resources. The protocol to do this existed; however, in 2018 the Council had decided not to sign up to it, though officers were trying to introduce it now, and he recommended that the Council considered signing up to it.

The Chief Superintendent added that forces from other counties were asked to help in the event of incidents such as riots, and that the police would also revisit the *Shop Theft Policy* with respect to attending incidents to identify possible offenders.

Chief Constable Bill Skelly then addressed the meeting and urged the Council to sign up to the protocol to join with them to deal with illegal encampments in partnership. Chief Constable Skelly fully supported the operational decisions made by his officers in response to the illegal encampment at Woodville Road; such situations were difficult and complex. Police forces did try to help each other and, if considered necessary, they would have called on colleagues, but they had to consider whether it was justifiable and on this occasion, it was not.

In response to questions concerning recruitment of police officers, the Chief Superintendent explained that it was not known how many officers would be recruited to Boston. They had received an extra nine officers since lockdown, some of whom were in training, and specific recruitment for Boston and the east of the county was ongoing.

Chief Constable Skelly stressed that it was crucial for Boston to have more officers and that he was working hard on this in conjunction with the Police and Crime Commissioner, but it was challenging. Last year, the Government's uplift was 20,000 police officers; however, it took time to train new officers and deploy them. From now on, these officers would start to become available and the force would increase during the next three years. Pressure was being maintained to ensure they would have over 170 additional police officers, which would make the force more flexible and provide more comprehensive cover. He hoped that they had managed to reassure Councillors that they always gave the best possible service, and had learned from the situation.

In response to other questions, the Chief Superintendent confirmed that travellers were subject to the same laws as everyone. Travellers did commit trespass in settling on an open space; however, this was a civil matter and had to be dealt with through the courts, as the Council's legal advisor had confirmed. A response to illegal encampments had to be proportionate and balanced, and a protocol was needed.

Members asked for more information about the protocol. The Chief Superintendent explained that it was drawn up in 2018 following an illegal encampment in the county, but he did not know why some authorities had signed up to it and some had not. The Council's officers were working actively in order to refresh the protocol and he thanked them for that.

The Assistant Director Regulation explained that his understanding was that the protocol had been put to the Council in 2018 when it was applying to the High Court for an injunction. The protocol had been judged to be incompatible with the injunction and, therefore, could not be signed. However, circumstances had changed: the injunction had been rescinded, as it was no longer valid, and they were reconsidering the protocol and would take Councillors' views on board.

Discussion then moved on to the number of police specials. The police representatives explained that the number varied because the specials were volunteers and not always available, and because police officers were recruited from them. Recruiting was continuous, but numbers did fluctuate with 200-250 usually active to some degree and 100-160 of these formed the core of the specials.

The force had been assured they would receive an uplift of 170 additional police officers, being the Government's grant share to the area, with 4 ring-fenced to deal with Serious

and Organised Crime. The baseline fluctuated and was approximately 1,070-80, with the aspiration being 1,250.

[Councillor Evans arrived at 7:15 pm.]

The Police and Crime Commissioner (PCC) then addressed the meeting and referred to a proposal he had put to all Lincolnshire local authorities asking them to support the recruitment of specials. They needed to increase the number, particularly as police officers were recruited from them. He urged the Council to help market and advertise the recruitment. There was also a need to continue to recruit other additional staff, such as analysts, and introduce improvements, all with a view to freeing up the time of front line officers. They also needed to help shape future legislation to increase support for the community and keep people safe. The PCC concluded by saying there was a significant level of good practice in Lincolnshire and positive progress was being made.

A Member raised the question of safeguarding children and asked what actions were taken by agencies with respect to travellers and adherence to the Children's Act. He felt that agencies were not getting to the heart of the problem and that there was a wider issue with respect to education and safety. He added that there was a disproportionate number of young male travellers in prison.

In response, the police representatives explained they shared these concerns and considered this a very important matter to raise. The main issues related to differences in culture and beliefs, and the peripatetic nature of travellers. In general, the police recorded safeguarding matters and shared concerns with Children Services, Adult Services and Mental Health Services. They had a local procedure based on national guidance and issues were raised by way of a Police Protection Notice (PPN) or, if emergency action was needed and a child was at risk of significant harm, a Police Protection Order (PPO).

The protocol included welfare needs assessments of people on the site. The police would always accompany officers to carry this out. The illegal encampment of July/August would have been an opportunity to explore whether there were safeguarding concerns – by a senior officer in the police, local authority and health services – and any future opportunity should be taken.

The MP for Boston and Skegness then addressed the meeting and referred to the difficulties in helping travellers. Successive measures had been tried and none had really dealt with the problems. When travellers arrived, residents needed and wanted them to move on as soon as possible, giving rise to opposing pressures. In particular, it was very difficult to ensure that traveller children attended school whilst respecting the itinerant nature of travellers.

A Member pointed out that travellers were together a good deal throughout the day and not leaving children at home unattended. However, another was concerned to ensure that the protocol included alerting EMTEC at the County Council with respect to children and asked that this be followed up to require liaison with the team and health services when there was an illegal encampment.

It was remarked that a suitable place should be found for travellers to camp so that there was no criminal damage and data regarding the success of any prosecutions should be

made available. There was reference to the different life chances and goals of travellers and their confidence in carrying out criminal acts knowing that no one could stop them. Residents had been in total fear of the encampment on Woodville Road. People needed to know they were safe and that incidents would be dealt with immediately.

The Chief Superintendent pointed out another consideration, that local criminals could take advantage of the presence of travellers knowing they would get the blame for crimes. There were several crimes purported to be carried out by travellers, but the police had to establish facts and deal with evidence. The main problem was identifying perpetrators. Each crime was recorded and subject to the same procedure. If a person had been identified previously elsewhere it was flagged up by the national police computer system.

Members were concerned to improve the response to the illegal encampments. They recognised the impact and effect they had on local residents.

[Councillor Hastie left the meeting at 7:50 pm]

The Assistant Director Regulation reported that amendments to the Criminal Justice and Public Order Act 1994, the principal legislation used, were awaited. The Home Secretary had consulted upon amendments to the legislation earlier in the year that would enable the police and councils to deal more effectively with illegal encampments. Unfortunately, the proposed changes had not moved forward due to the pandemic.

A status position on transit sites available in the area would be obtained. Provision of a transit site was a planning decision. One proposed change to the legislation would enable use of transit sites outside borders, which was not permitted currently. The Leader had written to the Home Secretary regarding the current position of the legislative amendments and a reply was awaited. As the Council could not demonstrate that transit sites were available, the Council's injunction had been rescinded in line with case law. Until this was resolved and the Act amended little progress could be made. The MP confirmed that the amendments would not proceed within the current Parliamentary session.

Referring to the South East Lincolnshire Joint Local Plan, a Member pointed out that its policy relating to traveller sites had been thought to be deemed acceptable for those travelling through Boston, but it was to be updated.

In response to questions, the Assistant Director Regulation reported that an officer decision had been taken in 2018 not to proceed with the protocol because of the position at that time. Officers would now bring this back and Members would be involved in the decisions as a matter of course.

On behalf of the Committee, the Chairman thanked their guests for attending and for their input. They would be very welcome to attend again at a future meeting. Officers would report back to the Committee on the joint protocol as soon as possible.

The Meeting ended at 8.30 pm