



Essex County Council

# Essex Countywide Traveller Unit Joint Committee

<b>10:00</b>	<b>Wednesday, 05 June 2019</b>	<b>Committee Room 1, County Hall, Chelmsford, CM1 1QH</b>
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**For information about the meeting please ask for:**

Matthew Waldie, Committee Officer

**Telephone:** 033301 34583

**Email:** matthew.waldie@essex.gov.uk

## **Part 1**

(During consideration of these items the meeting is likely to be open to the press and public)

		<b>Pages</b>
<b>1</b>	<b>Welcome and apologies</b>	<b>5 - 5</b>
<b>2</b>	<b>Election of Chairman</b> To elect a Chairman of the Committee	
<b>3</b>	<b>Appointment of Vice-Chairman</b> To appoint a Vice-Chairman of the Committee	
<b>4</b>	<b>Declarations of Interest</b> To note any declarations of interest to be made by Members in accordance with the Members' Code of Conduct	
<b>5</b>	<b>Minutes and Matters Arising</b> To confirm the minutes of the meeting held on 20 November 2018 and matters arising not covered in the agenda.	<b>6 - 11</b>

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|-----------|---|----------------|
| <b>6</b>  | <b>Finance update</b><br>To receive a report from Lisa Nicholls, Finance Business Partner, ECC.<br>(Copy of report attached)  | <b>12 - 16</b> |
| <b>7</b>  | <b>High level risk assessment</b><br>To receive a report from Steve Andrews, ECTU Manager<br>(Copy of report attached)  | <b>17 - 17</b> |
| <b>8</b>  | <b>Membership Status/Joint Committee Renewal</b><br>To receive a report from Steve Andrews, ECTU Manager  |                |
| <b>9</b>  | <b>Operations performance update - key issues</b><br>To receive a report from Steve Andrews, ECTU Manager, on key issues, including: <ul style="list-style-type: none"><li>• Health</li><li>• Education</li><li>• Fire</li><li>• Unauthorised encampments</li></ul><br>(Copy of report to follow) |                |
| <b>10</b> | <b>ECC/ECTU Review</b><br>To receive an update from Adrian Coggins, Head of Public Health and Wellbeing Commissioning   |                |
| <b>11</b> | <b>Date of Next Meeting</b><br>Wednesday 13 November 2019, at 10.00 am, in Committee Room 1, County Hall.   |                |
| <b>12</b> | <b>Urgent Business</b><br>To consider any matter which in the opinion of the Chairman should be considered in public by reason of special circumstances (to be specified) as a matter of urgency.   |                |

### **Exempt Items**

(During consideration of these items the meeting is not likely to be open to the press and public)

To consider whether the press and public should be excluded from the meeting during consideration of an agenda item on the grounds that it involves the likely disclosure of exempt information as specified in Part I of Schedule 12A of the Local Government Act 1972 or it being confidential for the purposes of Section 100A(2) of that Act.

In each case, Members are asked to decide whether, in all the circumstances, the public interest in maintaining the exemption (and discussing the matter in private) outweighs the public interest in disclosing the information.

### **13 Urgent Exempt Business**

To consider in private any other matter which in the opinion of the Chairman should be considered by reason of special circumstances (to be specified) as a matter of urgency.

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All letters of representation referred to in the reports attached to this agenda are available for inspection. Anyone wishing to see these documents should contact the Officer identified on the front page of the report prior to the date of the meeting.

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## **Agenda item 1**

**Committee:** Essex Countywide Traveller Unit Joint Committee

**Enquiries to:** Matthew Waldie, Democratic Services Officer

### **Membership, Apologies, Substitutions and Declarations of Interest**

#### **Recommendations:**

To note

1. Membership as shown below
2. Apologies and substitutions
3. Declarations of interest to be made by Members in accordance with the Members' Code of Conduct

#### **Membership**

(Quorum: 4)

Moira Bruin (Essex Fire & Rescue)  
Superintendent Steve Ditchburn  
Councillor Susan Barker  
Councillor Gavin Callaghan  
Councillor Mark Durham  
Councillor Ricki Gadsby  
Councillor Rob Gledhill  
Councillor Jeff Henry  
Councillor Paul Honeywood  
Councillor Godfrey Isaacs  
Councillor Michael Lilley  
Councillor Keith Parker  
Councillor Wendy Schmitt  
Councillor Jannetta Sosin  
Councillor Mike Webb

## Minutes of the meeting of the Essex Countywide Traveller Unit Joint Committee, held in Committee Room 1 County Hall, Chelmsford, CM1 1QH on Tuesday, 20 November 2018

### Present:

Cllr Sue Lissimore (Chairman)	Essex County Council
Cllr Susan Barker	Uttlesford District Council
Cllr Kevin Blake	Basildon Council
Cllr Keith Parker	Brentwood Borough Council
Cllr Susan Sullivan	Chelmsford City Council
Cllr Mike Webb	Rochford District Council
Asst Chief Fire Officer Dave Bill	Essex Fire Service
Sergeant Paul Downes	Essex Police

### Also present:

Steve Andrews	Essex County Council
Lisa Nicholls ( <i>item 3 only</i> )	Essex County Council
Adrian Coggins	Essex County Council
Colin Batchelor	Braintree District Council
Matthew Waldie	Essex County Council

- 1 **Welcome, apologies for absence and declarations of interest**  
The Chairman welcomed everyone to the meeting and noted that apologies had been received from Cllr Paul Honeywood and Cllr Wendy Schmitt. There were no declarations of interest.
- 2 **Minutes and matters arising**  
The minutes of the meeting held on 17 May 2018 were approved as a correct record and signed by the Chairman.
- 3 **Finance update**  
The Committee received a financial report from Lisa Nicholls, Finance Business Partner, ECC.
  1. **Financial update for 6 months to 30 September 2018.** The 2018/19 budget had a £19,311 surplus. At half year, it showed a £105 k surplus, as all the members' contributions had been collected. The automatically generated forecast outturn for year-end showed a deficit of £1,736. However, based on the actual figures to date - for supplies and services in particular - a slight surplus for the year was anticipated. These figures were noted.
  2. **Budget for 2019/2020 and Membership Fees.** The budget figure of a £13,925 surplus was noted for 2019/20, based on the

partnership contribution of £8149 for district, borough and unitary fees, plus £23,148 for Essex Fire & Rescue. AC Fire Officer Bill confirmed that he would like a review of these figures for future years, to ensure that the contribution from Essex Fire & Rescue was appropriate.

### 3. **Reserves**

It was noted that the predicted reserves would be £44k at year end 2018/19, increasing to £58k at end of 2019/20, increasing once again the following year. This was a definite improvement, although still short of the ideal figure of £94k, ie the equivalent of three months running costs.

Two points were raised about the position of those authorities who were not members:

- It was confirmed that the Unit would only carry out work within a non-member authority if the actual land was owned by Essex Highways; otherwise that authority would have to make its own arrangements
- Cllr Lissimore confirmed that when ECC had decided to assist Harlow with its initial High Court injunction in 2015, it was with factual information, and at minimal cost, because this case would help the overall situation.

### 4 **High level risk assessment**

Mr Andrews confirmed that the only change was an additional risk that one or more authority would not renew its membership of the Unit in April 2019. The Committee noted this.

### 5 **Membership status**

Mr Andrews reported no change in the membership of the Joint Committee, with all but three authorities signed up. The agreement was due to be renewed in 2019, and the relevant changes to the subscriptions had already been agreed.

It was noted that there would be local elections held in May 2019, so Mr Andrews confirmed that the renewal details would be circulated to the members within the next two months.

### 6 **Operations performance update - key issues**

The Committee received an update from Mr Andrews, as per the report circulated with the agenda.

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Fire safety/health:

- It was noted that, although the summer was a relatively quiet period for delivering home fire safety visits, 60 had been carried out and now the figures would escalate, during the winter months
- The campaign of Health and Fire Safety Days was ongoing. Revisiting sites has demonstrated that children had remembered tips from previous visits
- The statistics relating to Fire Safety were noted.

Public Health:

- Several national campaigns have been utilised, with specially modified publicity material to reflect the interests of the travelling community, and this is an ongoing process
- Particularly noted were the outreach bus visits to the Sandiacres site at Braintree and the work of Melanie Pomphrett, the Oral Health Improvement Manager for Essex
- Events gave advice on a range of health and safety matters and there have also been First Aid Training sessions, which were well attended.
- The statistics were noted.

Education:

- Work continues on facilitating educational opportunities for children and supporting them into education. The statistics were noted.

Unauthorised encampments:

- After higher than normal numbers of encampments earlier in the season, these dropped off significantly in the autumn, and there is only one at present in the county
- The statistics relating to land ownership indicate that private land is being targeted more. The question of whether the Unit could assist private landowners (at a fee) was raised. It was pointed out that it was a question of resource at present, with the Unit hard pressed in carrying out its present role. However, the Chairman pointed out that she would like to see the work expanding in this way and that such a possible development should be looked at as part of the review process. Mr Coggins acknowledged the high profile nature of such an issue but stressed the need to consider the work of the Unit in the round
- Members expressed thanks for the good work of the Unit and the Police, who had generally acted swiftly over the past few months. It was suggested that if local officers were able to issue the initial paperwork, before the Unit carried through the legal process, that might help to speed the process up. Mr Andrews agreed that could be useful, particularly during the busy periods. It was also pointed out that local authorities could – and were – helping themselves by

- installing anti-incursion measures on their land
- In response to an enquiry by Braintree DC on the response of the Police to a recent incident at Great Notley, where some criminal damage had been caused, Sgt Downes stated that he would respond to any situation by looking at the legislation, checking whether any of the necessary conditions applied, and then would apply proportionality, before deciding whether the use of a Section 61 clause was appropriate. In this case, there was minor damage and it was not clear who had actually carried it out. He added that the local community had displayed much hostility toward this encampment and a stone had been thrown through a caravan window, although the actual perpetrator had not been identified. He added that, as the Police had a duty of care toward all parties, they would have taken appropriate action against any individual, whether from the travelling or settled community
- In response to a suggestion that the monitoring of sites was inadequate, Sgt Downes refuted this point; he pointed out that resources were limited, but they did liaise with local police. He added that the behaviour of a group at one site can be relayed to the authority when that group moves on to the next site and a section 61 enforced immediately. The Chairman reminded members that, in her view, the problems concerned everyone in the community, not just the Police or the ECTU. Sgt Downes endorsed this, encouraging everyone to act as their eyes and ears. The importance of intelligence being shared between authorities was stressed
- Regarding fly-tipping, it was emphasised that there is a general need to educate the general public about the potential pitfalls of buying a service on the doorstep. It was agreed that local authorities might be provided with material that they could include in their magazines. Sgt Downes added that they used drones to monitor sites for potential fly-tipping

Other work:

- Sgt Downes informed the meeting that his unit had recovered 12 stolen caravans.

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### **ECTU Review**

Mr Coggins gave an overview of the Review. He acknowledged that the Unit had worked well in the six years since its inception; it had grown organically in that time, undertaking difficult and complex work.

The review aims to answer two key questions:

1. What is the ECC's best contribution to the Gypsy & Traveller agenda?
2. How des this align with the ECC's corporate principles?

These are no different to those asked in the restructuring process being undertaken throughout the County Council, but the ECTU had been

excluded from that process, as the Unit involved several external stakeholders, so the ECC could not act unilaterally on this.

The Unit has three broad areas of work:

1. Unauthorised encampments
2. Outreach to and advocacy for travellers (NB the County Council has a statutory duty toward vulnerable people)
3. Ownership/management of the ECC owned/leased Traveller sites.

There are three key principles:

1. The ECC needs to complete an appropriate Equality and Impact Assessment (given its statutory responsibilities)
2. The Review needs to consider how the three broad areas of work interrelate; and there must be proportionate investment in the work
3. All stakeholders must be involved in the process. Mr Coggins asked for the members' support in involving and engaging the districts in the process.

There are four stages:

1. Nov/Dec 2018. ECC signalling its intent
2. Jan 2019. Compile and share findings; establishing facts on which to base the work, including costs
3. Feb 2019. Stakeholder and market dialogue
4. End Mar 2019. Specific set of options, with preferred proposed option, presented to political leadership.

There was no intention that there should be any changes at an operational level while the review was still being undertaken.

Various comments were made:

- The Chairman pointed out that permanent sites had a range of support needs that the Unit was unable to provide at present and this had to be looked at as part of the review
- Regarding the use of a transit site to enable the authorities to move on illegal encampments quicker, the Chairman pointed out that Legal Services had confirmed that the existence of a single site owned by Essex County Council would be effective across the County (excepting Southend and Thurrock). However, it was acknowledged that none of the districts wanted to have such a site in their authority area, and none of the plots of land owned by the ECC were suitable. Sgt Downes confirmed this provision would give the authority extended powers, under Section 62 of the relevant Act, but he pointed out it would require a decision at a high level with Essex Police on how it would be applied. Mr Coggins confirmed that this issue would be analysed and weighed as part of the review. Mr Andrews believed that it might be a tool in managing unauthorised encampments, but there remained practical, capacity issues.

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**Date of next meeting**

Proposed dates for 2019 would be circulated after the meeting (taking into account the elections in May).

There being no further business the meeting closed at 12.11pm

**Chairman**

Essex County Wide Traveller Unit Operations Board 21 May 2019

Report by Lisa Nicholls, Management Accountant

Finance Report for the Essex County Wide Traveller Unit

Enquiries to Lisa Nicholls,  
ECC Finance Management Accountant  
Tel: 03330 131904

Purpose	
1.	To receive the 2018/19 outturn position
2.	To receive the budget for 2019/20 and note the proposed budgets for 2020/21 and 2021/22
3.	To note the proposed 2019/20 Membership Fees and <b>Decision Required – To approve Membership Fees for 2020/21</b>
4.	To note the amount of reserves
5.	Reasons for maintaining a reserve

## 1. 2018/19 Outturn Position

	2018/19 Budget	2018/19 Actuals to 31st March 2019	2018/19 Full Year Variance
<b>Expenditure:</b>			
Employees	£248,711	£251,490	£2,779
Supplies & Services	£107,535	£45,060	(£62,475)
Legal	£0	£28,270	£28,270
Transport & Mileage	£20,637	£22,331	£1,694
<b>Gross Expenditure</b>	<b>£376,883</b>	<b>£347,151</b>	<b>(£29,732)</b>
<b>Income:</b>			
Partner Contributions	(£396,194)	(£400,579)	(£4,385)
<b>Gross Income</b>	<b>(£396,194)</b>	<b>(£400,579)</b>	<b>(£4,385)</b>
<b>Net Expenditure (Surplus) / Deficit</b>	<b>(£19,311)</b>	<b>(£53,428)</b>	<b>(£34,117)</b>

The Essex Countywide Traveller Unit 2018/19 outturn position is a net surplus position of £53,428, a favourable variance compared to budget of £34,117. This is caused by the following:

- £34,205 under spend on Supplies and Services due to lower than originally forecast spend on Legal and Bailiff costs (£28,270). This is as a result of a reduced number of unauthorised encampments during the year.

The year-end under spend position has increased the reserve from a surplus position at the closure of the 2017/18 accounts of £24,927 to a surplus of £78,355 at the close of the 2018/19 accounts.

## 2. Budget for 2019/20 and proposed budget for future years

	2018/19 Budget	2018/19 Actuals	2019/20 Budget (Agreed)	2020/21 Draft Proposed Budget	2021/22 Draft Proposed Budget
<b>Expenditure:</b>					
Employees	£248,711	£251,490	£251,198	£253,710	£256,247
Supplies & Services	£107,535	£73,330	£110,868	£114,305	£117,848
Transport & Mileage	£20,637	£22,331	£21,277	£21,937	£22,617
<b>Gross Expenditure</b>	<b>£376,883</b>	<b>£376,882</b>	<b>£383,343</b>	<b>£389,952</b>	<b>£396,712</b>
<b>Income:</b>					
Partner Contributions	-£396,194	-£400,579	-£397,268	-£400,725	-£404,251
<b>Gross Income</b>	<b>-£396,194</b>	<b>-£400,579</b>	<b>-£397,268</b>	<b>-£400,725</b>	<b>-£404,251</b>
<b>Net Expenditure (Surplus) / Deficit</b>	<b>-£19,311</b>	<b>-£53,428</b>	<b>-£13,925</b>	<b>-£10,773</b>	<b>-£7,539</b>

The 2019/20 draft budget assumes the following:

- 2% membership fee increase excluding Essex Fire & Rescue (plus a 2% increase in 2020/21 and 2021/22)
- 1% increase for Employee budgets
- 3.1% RPI increase for Supplies & Services and Transport budgets

## 3. Proposed 2020/21 Membership Fees

The draft budgets for 2020/21 and 2021/22 propose the following,

- 1% increase for Employee budgets
- 3.1% RPI increase for Supplies & Services and Transport budgets

The table below presents 3 options for members to consider in respect of membership contributions.

Option 1 is a 1% increase and results in an increase of per District / Borough member of £81

Option 2 - the 2020/21 and 2021/22 draft budgets have been calculated using Option 2 (preferred option) which is a 2% increase on the 2019/20 fee. This results in an annual increase per District / Borough member of £163. **This is the recommended option and a decision is required from the Joint Committee to approve the membership fees for 2020/21.**

Option 3 is a 3.1% RPI increase and results in an increase per District / Borough member of £253

There is no proposal to increase the Essex County Council Gypsy & Traveller contribution as Essex County Councils contribution to the ECTU increased by more than £80,000 in 2017/18. There is also no proposal to increase the Essex Fire & Rescue contribution.

Organisation	2019/20 Fee (Approved at the May 2018 Joint Committee meeting)	OPTION 1 Proposed 2020/21 Fee (1% Increase)	OPTION 2 Proposed 2020/21 Fee (2% Increase)	OPTION 3 Proposed 2020/21 Fee (3.1% Increase)
<b>Essex County Council:</b>				
ECC - Gypsy & Traveller	£201,268	£201,268	£201,268	£201,268
ECC - Highways	£8,149	£8,230	£8,312	£8,402
Public Health	£58,766	£59,354	£59,941	£60,588
Essex Property & Facilities	£8,149	£8,230	£8,312	£8,402
Country Parks	£8,149	£8,230	£8,312	£8,402
<b>Total ECC</b>	<b>£284,481</b>	<b>£285,312</b>	<b>£286,145</b>	<b>£287,062</b>
<b>Essex Fire and Rescue</b>				
	<b>£23,148</b>	<b>£23,148</b>	<b>£23,148</b>	<b>£23,148</b>
<b>Districts / Boroughs &amp; Unitary:</b>				
Uttlesford District Council	£8,149	£8,230	£8,312	£8,402
Thurrock Council	£8,149	£8,230	£8,312	£8,402
Rochford District Council	£8,149	£8,230	£8,312	£8,402
Maldon District Council	£8,149	£8,230	£8,312	£8,402
Colchester Borough Council	£8,149	£8,230	£8,312	£8,402
Tendring District Council	£8,149	£8,230	£8,312	£8,402
Basildon Borough Council	£8,149	£8,230	£8,312	£8,402
Castlepoint Borough Council	£8,149	£8,230	£8,312	£8,402
Braintree District Council	£8,149	£8,230	£8,312	£8,402
Brentwood Borough Council	£8,149	£8,230	£8,312	£8,402
Chelmsford District Council	£8,149	£8,230	£8,312	£8,402
<b>Total Districts/Boroughs/Unitary</b>	<b>£89,639</b>	<b>£90,530</b>	<b>£91,432</b>	<b>£92,422</b>
<b>Total Subscriptions</b>	<b>£397,268</b>	<b>£398,990</b>	<b>£400,725</b>	<b>£402,632</b>

#### 4. Balance Sheet – Reserves

Should the 2020/21 (2%) increase to membership fees and 2021/22 (2%) increase be approved, it could have the following effect on reserves:

<b>Balance Sheet: General Balance</b>	<b>2016/17</b>	<b>2017/18</b>	<b>2018/19</b>	<b>2019/20</b>	<b>2020/21</b>	<b>2021/22</b>
Opening Balance (Surplus)	-£66,798	£26,462	-£24,927	-£78,355	-£92,281	-£103,054
Net Outturn position (Surplus)	£93,260	-£51,389	-£53,428	-£13,926	-£10,774	-£7,539
<b>Closing Balance (Surplus) / Deficit</b>	£26,462	-£24,927	-£78,355	-£92,281	-£103,054	-£110,594

#### 5. Reasons for maintaining a reserve

Balances are required to protect the Joint Committee from a significant event(s) which would have a material effect on income or expenditure. The reserve acts as a 'buffer' for such events and the need for a reserve is supported by the level of legal and bailiff costs that were incurred in 2016/17 £62,678, 2017/18 £107,000 and £58,000 in 2018/19

## BUSINESS RISK ASSESSMENT

RISK ASSESSMENT COMPLETED

DATE

Reviewed and updated November 2018

FUNCTION / SERVICE / TEAM formal commitment

PROJECT / PROGRAMME (if applic Joint Committee high level risks

Risk No.	Details of Risk Event	Cause / Triggers	Impact / Consequences	Review period	Current Assessment of Risk			Risk Owner	Mitigation Approach	Mitigating Actions / Controls	Review period	Control Owner	Controlled Assessment of Risk		
					Current controls in place				Treat Tolerate Transfer Terminate				With ALL controls in place		
					Impact	Likelihood	Risk Rating					Impact	Likelihood	Risk Rating	
1	Unable to deliver on partner outcomes.	Demand for service outstrips resource including business support, and outreach.	Partners withdraw from service		4	4	16	SA	Treat	Ensure additional resource is funded/recruited if req Prioritise and reduce service levels in liaison with partners		SA SA	3	1	3
2	Insufficient funding to deliver service	High demand on chargeable resource legal and external agencies	Part or all of the service will stop delivering		6	2	12	SA	Treat	Ensure resource available to manage encampments and where possible negotiate departures Access reserve where necessary Seek additional member contribution to offset increased costs where necessary Secure new partners		SA Partners SA SA	4	2	8
3	ECTU perceived as not delivering expected service by stakeholders, lack of robust controls by ECTU.	Politicians / members of the public do not understand the service provided by ECTU and powers available to us.	Reputation loss, pressure for partners to break away. Service is no longer viable		5	3	15	SA	Treat	Inform members of service/regular comms and unit and cultural awareness training Ensure SPOCs are informed to help manage expectations of stakeholders Comms strategy/press releases for wider stakeholders Potential development of service for private landowners Ensure robust administration of powers via process/audit		SA SA SA SA SA	4	1	4
4	Negative public / member opinion of the Gypsy/Traveller Community based on the publicity/actions of the minority, is applied to the community as a whole	Negative behaviour of small number of Traveller families receiving high profile attention. The majority of the Traveller population who are normal law abiding residents, are not considered.	Increase tensions, Travelling families treated unfairly, encourages negative behaviours		5	3	15	SA	Treat	Education of Members, public on the true picture and culture Good news stories in the media Improved web site/information resource for general access Address ill informed / derogatory / racist comments / communications quickly, honestly and robustly		SA SA SA SA	3	3	9
5	Insufficient partner buy in/funding to deliver service	Partners choose not to renew continue with their membership of the unit from April 2019	Service levels reduce or unit ceases to be viable		6	3	18	SA	Treat	Ensure commitment to sign up to a new 3 year agreement prior to expiry of existing agreement in March 2019 Reduce resource/service levels to match any change in partner buy in/participation		SA SA	3	1	3