

Essex Countywide Traveller Unit Joint Committee

10:00	Thursday, 19 June 2014	Essex County Fire and Rescue Service HQ,
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Membership:

Chief Fire Officer David Johnson
Chief Inspector Craig Carrington
Cllr Richard Moore
Cllr Angie Gaywood
Cllr Frank Delderfield
Cllr John Jowers (Chairman)
Cllr Keith Hudson
Cllr Martin Hunt
Cllr Paul Honeywood
Cllr Richard Bassett
Cllr Susan Barker
Mike Gogarty

For information about the meeting please ask for:

Ian Myers – Senior Committee Officer

Telephone: 01245 430481

Email: ian.myers@essex.gov.uk

The agenda is also available on the Essex County Council website, www.essex.gov.uk. From the Home Page, click on 'Your Council', then on 'Meetings and Agendas'. Finally, select the relevant committee from the calendar of meetings.

Please note that an audio recording may be made of the meeting – at the start of the meeting the Chairman will confirm if all or part of the meeting is being recorded.

Part 1

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

		Pages
1	Welcome and Apologies	
2	Minutes To approve the Minutes of the meeting held on 23 January 2014	7 - 12
3	Declarations of Interest To note any declarations of interest to be made by Members	
4	Matters Arising <ul style="list-style-type: none">• Guide to enforcement process• List of sites• Updating ECTU information on partner websites	
5	Finance and Audit Report To receive a report from David Poole, Senior Business Partner and <ul style="list-style-type: none">• To approve the Annual Return for the 2013/14 financial year and for the Annual Return to be signed by the Chairman of the Committee.• To approve the proposed budget for the 2014/15 financial year and indicative budgets for 2015/16 and 2016/17.• To approve the proposed approach to funding of the proposed and indicative budgets.• To note the ECC internal Audit costs that have been charged.• To note the estimated External Audit costs expected to arise.• To confirm that, subject to no material issues being raised by the external auditor, the external audit report can be accepted, the management letter issued endorsed by the Chairman of the Joint Committee and the decision to publish the accounts made without the need to reconvene the Full Committee before the end of September 2014.	13 - 42

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|-----------|---|----------------|
| 6 | High Level Risk Assessment
To receive a report from Steve Andrews, ECTU Manager | 43 - 44 |
| 7 | Operations Report
To receive a report from Steve Andrews, ECTU Manager | 45 - 76 |
| 8 | Out of Hours Discussion
Clarification of Expectations - Steve Andrews, ECTU Manager | |
| 9 | Horse Policy Discussion
To receive a verbal update from Steve Andrews, ECTU Manager | |
| 10 | Engagement with existing and potential partners for renewal of Joint Committee Agreement
To receive a verbal update from Julie Nash, Business Lead for Delivery Transitions | |
| 11 | Election of Chairman | |
| 12 | Date of Next Meeting
To note that the next meeting will be held on Thursday 27 November 2014 at 10.00am | |
| 13 | Urgent Business
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.

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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.

MINUTES OF A MEETING OF THE ESSEX COUNTYWIDE TRAVELLER UNIT COMMITTEE HELD AT ESSEX FIRE AND RESCUE HEADQUARTERS, RIVENHALL AT 10:00 AM ON 23 JANUARY 2014

Members of the Committee present:

Cllr Susan Barker	Uttlesford District Council
Cllr Frank Delderfield	Maldon District Council
Cllr Angie Gaywood	Thurrock Unitary Authority
Cllr Jo McPherson (sub)	Rochford District Council
Cllr Paul Honeywood	Tendring District Council
Cllr John Jowers (Chairman)	Essex County Council
Cllr Richard Moore	Basildon Borough Council
Chief Fire Officer David Johnson	
Chief Inspector Glen Pavelin	

Substitutes and other Members present:

Cllr Jo McPherson -	Rochford District Council
Cllr Gary Waller -	Epping Forest District Council

Also present was:

Stephen	Andrews - ECC
Colin	Batchelor - BDC
Inspector Ian	Carter
Andy	Gribben - ECC
Stephen	Hankin - Essex Legal Services
Simon	Humby - BBC
Anna	Lambert - ECC
Kim	Mayo – Essex Legal Services
David	Poole - ECC
Shaun	Scrutton - RDC

1. Apologies and Substitution Notices

Apologies were received from Councillor Keith Hudson, Rochford District Council, Councillor Martin Hunt of Colchester Borough Council and Anthony Hedley, Essex Fire and Rescue Service.

2. Declarations of Interest

There were no declarations of interest

3. Minutes

The minutes of the meeting held on 22 October 2013 were approved as a correct record.

4. Matters Arising

It was agreed that Stephen Andrews, Manager of the Essex Countywide Traveller Unit, would keep Councillor A Gaywood informed of ongoing progress relating to the updating of the Norfolk and Suffolk Horse Policy.

5. Identification of Items Involving Public Speaking

There were none identified.

6 Business Update

The committee received an update and presentation from Stephen Andrews, Manager of the Essex Countywide Traveller Unit that outlined current business. Including;

- Health and Education - that there were fewer campaigns running currently but that there had been 149 visits and calls with families regarding health and education.
- Fire and Safety – continuing progress in this area. It was hoped that soon it would be possible to report that one third of all residencies had been visited.

At the request of Councillor A Gaywood it was agreed that a list of all sites would be provided to members.

- Unauthorised Encampments - There had been 21 unauthorised encampments reported since the last meeting of the committee – this was described by District.

It was noted that there was other activity relating to unauthorised encampments in Districts that were not members of the Essex Countywide Traveller Unit.

- Managed Sites - Members agreed that the feedback they were receiving from officers, Members and the public was very positive and this was echoed by the Chairman who wished it noted that the management of the sites by the ECTU was remarkable.

Mr Andrews stated that he would arrange for any member or officer who wished to visit a managed site if they so wished.

- Animal Control – there was work on-going on the development of a Horse Policy. Officers were also being trained to microchip dogs.

Cllr McPherson asked if there had been any consideration of freeze-marking horses and Mr Andrews agreed that this had not been considered but he would look into it.

Councillor A Gaywood requested that he also consider the merits of introducing 'horse passports'.

There is developing work on the production of a newsletter (that will be copied to members of the partnership) but primarily aimed at the Essex-based traveller community. This will deal with local news but also be informative and carry advertising.

There was then some discussion by members of the committee about encouraging other Districts to join the ECTU. Councillor Waller remarked that Epping Forest were seriously considering joining the partnership as the benefits could be clearly seen.

Anna Lambert Head of Delivery Transitions, ECC, noted that discussions with existing members of the Partnership on renewal of the Joint Committee Agreement from October 2015 would need to commence in order to fit in with budget setting timescales for 2015/16. This would also include further discussions with potential new partners to provide them with opportunity to join.

Councillor S Barker noted that the contributions made by the Districts was far outweighed by the benefits of membership. A figure of circa £7,000 would not fund a team but it did fund the excellent work of the ECTU and the joint committee

The Chairman considered that the committee was an example of collaborative partnership producing excellent results and he was, personally, very proud of the achievements.

Finally, the Chairman wished to pay tribute to the work of the Police and in particular the considerable positive contribution made previously by Sergeant Tanya Steele, of Essex Police who had now moved on to other duties.

7 Financial Report and External Audit Sign-Off

The committee received the latest Financial Report from David Poole, Senior Financial Analyst, ECC, and were asked to approve sign off of the External Audit for 2012/13.

It was noted by the committee that, due to a number of circumstances, the deadline for the sign-off of the Audit Reports had been missed. This would not be permitted to happen again as dates of future meetings of the committee would be arranged to coincide with critical financial dates.

In response to questions from members, the committee was informed that there would be a financial appraisal and then a decision made to either carry forward

any surpluses, identify projects for spend or to repay surpluses to the Districts of the partnership.

Resolved:

1. Approval of accounts and decision to publish
2. Agree content of and right to 'Inspect the Annual Return'
3. Agreement of location(s) of right to 'Inspect the Annual Return' to be displayed, fees payable and contact for requesting
4. Agreement that a proposed approach for identified surplus be presented at the next Joint Committee.

It was determined in relation to resolution 3 that there shall be no fee payable and that the documents shall be provided to the clerk of the meeting and published on the ECC website together with the minutes of this meeting and distributed to the members of the committee.

8 Joint Committee Review

The committee received a written report from Anna Lambert, Head of Delivery Transitions, ECC, on a review of the Joint Committee arrangements.

It was noted that she and Steve Andrews (Head of ECTU) had met with:

- Rochford District Council
- Thurrock Council
- Essex Police
- Essex Fire and Rescue Service
- Public Health (now based in Essex County Council)
- Colchester Borough Council (telephone conversation) and
- Maldon District Council

The remaining Members of the Joint Committee have declined the offer for the moment.

The interim conclusion following the meetings that have taken place are that all Partners are very satisfied with the service and see that it is an important step towards consistency in matters relating to Gypsies and Travellers across Essex.

Discussion with partners has also highlighted that the ECTU will need to engage with Partners and potential partners to secure funding beyond October 2015 over the next six months to that end, as budget setting will commence in Autumn 2014. Officers would come back to the committee with a proposed approach on renewal of the agreement to the next meeting in June having discussed with Operations Board to then action in the Autumn

9 Unauthorised Encampments

The members of the committee discussed the process for dealing with unauthorised encampments. Stephen Hankin and Kim Mayo, both from Essex Legal Services answered questions and clarified details regarding the legal processes, definitions and difficulties regarding the management and removal of unauthorised encampments.

Actions requested by members:

- That at some future meeting of the committee there be an opportunity to meet with a highways legal officer who can provide a similar perspective on the issues around unauthorised encampments.
- The Chairman also suggested that having had a clear explanation at this meeting - members could be provided, perhaps confined to a single side of A4, a quick guide to the processes required.
- It was also agreed that all District websites should provide an online link to the ECTU pages at Essex County Council.

10 Date of Next Meeting

To be advised – beginning of June

Chairman

Essex Countywide Traveller Unit Joint Committee meeting 19th June 2014

Report by David Poole, ECC Finance Business Partner Financial Report for the Essex Countywide Traveller Unit

Enquiries to David Poole, ECC Finance Business Partner. Tel. 07799 675892

1. Introduction

1.1. The Essex Countywide Traveller Unit formed as a Joint Committee from 1st October 2012. In accordance with schedule 2 of the Audit Commission Act 1998, Joint Committees are required to produce an Annual Return which is subject to external audit. This report presents for approval the Annual Return inclusive of the Governance Statement for the 12 months to March 2014.

1.2. The external auditors PKF Littlejohn have been appointed by the Audit Commission and the following dates have also been set: -

Key Information for the 2014/15 reporting season	
Annual Return and supporting documents to External Auditor	Initially 9th June 2014 (extended to 23rd June 2014 to allow Joint Committee sign-off)
Date by which Annual Return must be approved by the Joint Committee	30th June 2014
Date by which audited Annual Return must be published by the Joint Committee	30th September 2014

1.3. This report also sets out for members' consideration and approval, a proposed budget for the 2014/15 financial year together with indicative budgets for the following two financial years 2015/16 and 2016/17.

2. Decisions required

2.1. To approve the Annual Return for the 2013/14 financial year and for the Annual Return to be signed by the Chair of the Committee.

2.2. To approve the proposed budget for the 2014/15 financial year

2.3. To note the indicative budgets for 2015/16 and 2016/17

2.4. To approve the proposed approach to funding of the proposed and indicative budgets

2.5. To Note the ECC internal Audit costs that have been charged

2.6. To Note the estimated External Audit costs expected to arise

2.7. To confirm that, subject to no material issues being raised by the external auditor, the external audit report can be accepted, the management letter issued endorsed by the Chair of the Joint Committee and the decision to publish the accounts made without the need to reconvene the full committee before the end of September 2014.

3. The annual return is a document that serves several purposes:

- to report the annual statement of accounts as approved by the Joint Committee;
- to certify the Joint Committee has discharged its statutory duties in relation to its financial affairs; and
- to record that the external auditor has fulfilled their statutory responsibility

- 3.1. The Annual Return for the Essex Countywide Traveller Unit is shown in Appendix One and has been prepared on an income and expenditure basis, rather than on a receipts and payments basis, that contributions received exceed the £200,000 threshold.
- 3.2. Section 1 of the Annual Return is the Statement of Accounts. These show the total income received from members of the Joint Committee and the expenditure broken down between staff costs and "other payments".
- 3.2.1. The staff costs relate to the outreach workers and management of the Unit, whilst the "other payments" predominantly (63%) relate to mileage costs. The balance carried forward to 2014/15 was £92,655.77 compared to the previous year's figure of £109,742.49 which included an overpayment by Essex County Council of £73,643.19.
- 3.3. Section 2 of the Annual Return is the Annual Governance Statement which is made up of a number of statements which provide accountability and assurance that the public money has been properly accounted for and used economically, efficiently and effectively.
- 3.3.1. The Annual Governance Statement for the Joint Committee has one "No" response and a full explanation is provided within Appendix One to this report. This relates to a failure to publish the 2013/14 accounts before the deadline and is already known to the Joint Committee. These were subsequently published and available for public consumption as required.
- 3.3.2. The Annual Governance Statement also confirms that actions have been taken on all matters raised by either the Internal or External Auditor's reports. All issues raised in the reports relating to 2012/13 accounts were addressed completely. Any actions raised by the External Auditor relating to 2013/14 will be actioned promptly when this report is received. Comments relating to the 2013/14 Internal Audit are dealt with in section 3.5 below.

3.4. Section 3 of the Annual Return is the External Auditor's certification. This is completed following the Joint Committee's approval of the Annual Return and once completed the Joint Committee will be invited to endorse the management letter issued noting any recommendations and approve the Annual Return for publication (required no later than 30th September 2014).

It is recommended that, unless there are material issues raised by the External Auditor, rather than reconvene the whole Committee the ability to accept the External Auditor's report, endorse the management letter and approve the publication of the accounts is delegated to the Chair of the Joint Committee.

3.5. Section 4 of the Annual Return is the annual Internal Audit report. Of the 10 Control Objectives to be assessed 7 have been "Agreed", 2 are not considered applicable and 1 has been given a "No" response.

Details are provided in Appendix Two to this report for completeness but the main issue regarding the need for a risk assessment has now been completed and was discussed at the Operations Board on 15th May. This is an agenda item for the Joint Committee's approval.

Discussions with the Internal Auditor have revealed, that whilst they are not concerned from a financial perspective some processes could be improved and these too have also now been addressed.

3.6. The Joint Committee is invited to approve the Annual Return and the Chair of the Committee is invited to sign the approved Annual Return. The Chair and the Clerk are also invited to sign the Annual Governance Statement.

3.7. The underlying financial transactions making up the figures on the Accounting Statements are available upon request should any member of the Joint Committee require more detail on either the income or expenditure.

4. Proposed Budget for 2014/15

4.1. The preparation of the budget is a key statutory task to be undertaken by the Joint Committee. It provides the basis for monitoring progress throughout the year by comparing actual spending against the planned expenditure.

4.2. The proposed budget for 2014/15 is shown in Appendix Three and has been developed with Essex Countywide Traveller Unit Manager. The budget takes into consideration: -

- Planned activity
- 2012/13 actual costs
- Known items of additional expenditure planned for 2014/15
- The fact that to date there has only been one full year of operation
- Expected inflationary pressures
- The need for a degree of delegated power to prevent the need for minor overspends to be referred to the Joint Committee even when they are absorbable within the current reserves and annual funding

4.3. It is proposed that the budget for 2014/15 be agreed at £284,786 (£294,951), a reduction of £10,165 but still £50,648 in excess of 2013/14 expenditure. This allows for inflation at 2%, £25,000 of expected one-off IT costs and allows a degree of contingency without the need to return to the Committee for further agreement.

4.3.1. The majority (81%) of the budget (£230,606) is again proposed for employee costs in relation to outreach workers and management of the Unit. There may be a desire to increase staff numbers but any such proposal can be assessed by the Committee and the budget amended accordingly.

4.3.2. The next largest element (12%) relates to supplies and services (£34,731). This line has provision for internal and external audit costs, normal office running costs (excluding premises costs) and IT expenditure. Expected IT costs for building the new database did not arise in 2013/14 and have been allowed for within the 2014/15 budget at a reduced level of £25,000.

4.3.3. Finally there is a proposed budget of £19,447 to cover employee mileage and travel costs, predominantly incurred whilst travelling between sites.

4.4. The Income budget is set at £294,285.

4.4.1. This represents a reduction of £14,362 recognising the fact that Braintree and Epping did not in fact join the Committee as expected.

4.4.2. Whilst, at the end of 2013/14 there was a reserve of £92,656, and the proposed budget with maintains levels of contribution would see this reserve rise by £9,499 to £102,155 in 2014/15 with a further possible surplus in future years of ca £25,000 p.a.

Balances are required to protect the Joint Committee from a significant event or events which would have a significant effect such as the loss of revenues or a sudden increase in expenditure. It is difficult to accurately predict such occurrences and given that a) there has only been a single full year of operation, b) risks to expenditure and income levels are considered low and c) the current reserve represents less than 5 months of average operational expenditure it is proposed: -

- That the current contribution levels be maintained for 2014/15
- In light of the 2014/15 actual costs the Committee is presented with proposals in the 2014/15 Financial Report to either amend future contributions, and / or reduce the reserve by returning funds to members in the proportion to which it was contributed.

4.4.3. Proposed individual contributions are: -

Authority	Full Year Payment	% contribution
Essex County Council	£147,286.38	50.05
Essex County Fire & Rescue	£25,720.00	8.74
Basildon Borough Council	£7,181.00	2.44
Colchester Borough Council	£7,181.00	2.44
Maldon District Council	£7,181.00	2.44
Rochford District Council	£7,181.00	2.44
Tendring District Council	£7,181.00	2.44
Thurrock Council	£7,181.00	2.44
Uttlesford District Council	£7,181.00	2.44
Mid Essex CCG	£14,202.40	4.83
North East Essex CCG	£14,202.40	4.83
South east Essex CCG	£14,202.40	4.83
South West Essex CCG	£14,202.40	4.83
West Essex CCG	£14,202.40	4.83
Total Cash Contributions *	£294, 285.38	
In Kind Contribution for Essex Police	£75,000	

* It is anticipated that whilst overall Health contributions will meet their obligation the actual make-up of the contributions may differ

4.5. The Joint Committee is invited to approve the proposed budget. An update of the actual expenditure will be presented at the next Joint Committee meeting.

5. Indicative budgets for 2015/16 and 2016/17

5.1. An indicative budget has been developed to provide the Joint Committee with assurance that it has sufficient cash resources / contributions to continue as a going concern.

5.2. The budgets have been developed using an incremental budgeting process which identifies "one-off" items any year and allows for an inflationary effect to try and ensure predictions are as realistic as possible. Given the overall levels of expenditure under the control of the Joint Committee it has not been considered efficient to break down all aspects of cost and understand the possible differing levels of inflation.

UK inflation was running at 1.7% in March 2014 and the Bank of England has a 2% target. A generic 2% inflation factor has therefore been used when calculating the indicative budget figures.

- 5.3. Although the current Joint Committee agreement comes to an end in September 2015 this budget has been prepared on the assumption that the Joint Committee continues to operate for the full financial year and furthermore continues to operate for the whole of 2016/17.
- 5.4. The main difference between the proposed 2014/15 budget and that for subsequent years is the removal of the £25,000 one-off expenditure on IT for the database.
- 5.5. Current indications are that if inflation is at or below the 2% figure used to predict budgetary requirements and if membership remains constant with current contribution levels maintained, in 2015/16 and subsequent years an annual surplus of ca £25,000 may be generated. In the event that the Joint Committee agreement is extended it may be prudent to review contribution levels and determine whether an annual contribution to reserves of in excess of 10% of expenditure remains prudent, when considered in light of the existing reserve. This area will be the subject of a further proposal as part of the 2014/15 financial report once more operational experience has been gained.

Appendix One

Small Bodies in England

Annual return for the financial year ended 31st March 2014

Small Bodies in England

Annual return for the financial year ended 31 March 2014

Small relevant bodies in England with an annual turnover of £6.5 million or less must complete an annual return in accordance with proper practices summarising their annual activities at the end of each financial year.

The annual return on pages 2 to 5 is made up of four sections:

- Sections 1 and 2 are completed by the person nominated by the body.
- Section 3 is completed by the external auditor appointed by the Audit Commission.
- Section 4 is completed by the body's internal audit provider.

Each body must approve this annual return no later than 30 June 2014.

Completing your annual return

Guidance notes, including a completion checklist, are provided on page 6 and at relevant points in the annual return.

Complete all sections highlighted in red. Do not leave any red box blank. Incomplete or incorrect returns require additional external audit work and may incur additional costs.

Send the annual return, together with your bank reconciliation as at 31 March 2014, an explanation of any significant year on year variances in the accounting statements and any additional information requested, to your external auditor by the due date.

Your external auditor will identify and ask for any additional documents needed for audit. Therefore, unless requested, do not send any original financial records to the external auditor.

Audited and certified annual returns will be returned to the body for publication or public display of sections 1, 2 and 3. You must publish or display the audited annual return by 30 September 2014.

It should not be necessary for you to contact the external auditor or the Audit Commission directly for guidance.

More guidance on completing this annual return is available in the Practitioners' Guides for either local councils or internal drainage boards. These publications may be downloaded from the National Association of Local Councils (NALC) or Society of Local Council Clerks (SLCC) websites (www.nalc.gov.uk or www.slcc.co.uk) or from the members area of the Association of Drainage Authorities website (www.ada.org.uk).

Section 1 – Accounting statements 2013/14 for:


Enter name of reporting body here:

ESSEX COUNTYWIDE TRAVELLER UNIT JOINT COMMITTEE

	Year ending		Notes and guidance
	31 March 2013 £	31 March 2014 £	
1 Balances brought forward	0	109,742	Total balances and reserves at the beginning of the year as recorded in the body's financial records. Value must agree to Box 7 of previous year.
2 (+) Income from local taxation and/or levy	0	0	Total amount of local tax and/or levy received or receivable in the year including funding from a sponsoring body.
3 (+) Total other receipts	213,574	217,052	Total income or receipts as recorded in the cashbook less the taxation and/or levy (line 2). Include any grants received here.
4 (-) Staff costs	- 87,414	-205,532	Total expenditure or payments made to and on behalf of all employees. Include salaries and wages, PAYE and NI (employees and employers), pension contributions and employment expenses.
5 (-) Loan interest/capital repayments	0	0	Total expenditure or payments of capital and interest made during the year on the body's borrowings (if any).
6 (-) All other payments	- 16,418	-28,606	Total expenditure or payments as recorded in the cashbook less staff costs (line 4) and loan interest/capital repayments (line 5).
7 (=) Balances carried forward	109,742	92,656	Total balances and reserves at the end of the year. Must equal (1+2+3) – (4+5+6)
8 Total cash and short term investments	116,348	96,563	The sum of all current and deposit bank accounts, cash holdings and short term investments held as at 31 March – to agree with bank reconciliation.
9 Total fixed assets plus other long term investments and assets	0	0	The original Asset and Investment Register value of all fixed assets, plus other long term assets owned by the body as at 31 March
10 Total borrowings	0	0	The outstanding capital balance as at 31 March of all loans from third parties (including PWLB).

I certify that for the year ended 31 March 2014 the accounting statements in this annual return present fairly the financial position of the body and its income and expenditure, or properly present receipts and payments, as the case may be.

Signed by Responsible Financial Officer:



Date 21/05/2014

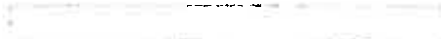
I confirm that these accounting statements were approved by the body on:



and recorded as minute reference:



Signed by Chair of meeting approving these accounting statements:



Date

<p>Essex Countywide Traveller Unit Joint Committee</p> <p>Annual Return for the year ended 31st March 2014</p> <p>Explanatory Note for Section 1 – Annual Governance Statement</p>
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Reconciliation between Box 7 and Box 8

Box 7: Balances carried forward	£92,655.77
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Add Creditors

Employees Expenses & Overtime	£1,006.94
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Employee leave not taken at 31 st March 2014	£
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Sundry creditors	<u>£2,900.00</u>
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	£3,906.94
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Receipts in advance	£
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	£3,906.94
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	£96,562.71
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Section 2 – Annual governance statement 2013/14

We acknowledge as the members of Essex Countywide Traveller BHHS Joint Committee our responsibility for ensuring that there is a sound system of internal control, including the preparation of the accounting statements. We confirm, to the best of our knowledge and belief, with respect to the accounting statements for the year ended 31 March 2014, that:

Agreed		Yes means that the body:
Yes	No	
1 We approved the accounting statements prepared in accordance with the requirements of the Accounts and Audit Regulations and proper practices.	✓	prepared its accounting statements in the way prescribed by law.
2 We maintained an adequate system of internal control, including measures designed to prevent and detect fraud and corruption and reviewed its effectiveness.	✓	made proper arrangements and accepted responsibility for safeguarding the public money and resources in its charge.
3 We took all reasonable steps to assure ourselves that there are no matters of actual or potential non-compliance with laws, regulations and proper practices that could have a significant financial effect on the ability of the body to conduct its business or on its finances.	✓	has only done what it has the legal power to do and has complied with proper practices in doing so.
4 We provided proper opportunity during the year for the exercise of electors' rights in accordance with the requirements of the Accounts and Audit Regulations.		* X during the year has given all persons interested the opportunity to inspect and ask questions about the body's accounts.
5 We carried out an assessment of the risks facing the body and took appropriate steps to manage those risks, including the introduction of internal controls and/or external insurance cover where required.	✓	considered the financial and other risks it faces and has dealt with them properly.
6 We maintained throughout the year an adequate and effective system of internal audit of the body's accounting records and control systems.	✓	arranged for a competent person, independent of the financial controls and procedures, to give an objective view on whether internal controls meet the needs of the body.
7 We took appropriate action on all matters raised in reports from internal and external audit.	✓	responded to matters brought to its attention by internal and external audit.
8 We considered whether any litigation, liabilities or commitments, events or transactions, occurring either during or after the year-end, have a financial impact on the body and where appropriate have included them in the accounting statements.	✓	disclosed everything it should have about its business activity during the year including events taking place after the year-end if relevant.

This annual governance statement is approved by the body and recorded as minute reference

dated

Signed by:

Chair

dated

Signed by:

Clerk

dated

***Note: Please provide explanations to the external auditor on a separate sheet for each 'No' response. Describe how the body will address the weaknesses identified.**

Essex Countywide Traveller Unit Joint Committee
Annual Return for the year ended 31st March 2014
Explanatory Note for Section 2 – Annual Governance Statement

1. Introduction

1.1. Where the Joint Committee has given a 'No' response on the Annual Return, Section 2 Annual Governance Statement, it is required to give explanatory notes for this response. This document provides these notes.

2. Explanatory Notes

2.1. Statement 4 of the Annual Governance Statement reads as follows:

2.1.1. "We provided proper opportunity during the year for the exercise of elector's rights in accordance with the requirement of the Accounts and Audit Regulations"

2.1.2. By selecting "Yes" the Joint Committee would be conforming that it had arranged for the 2012/13 accounts to be published and available to the public by 30th September 2013. The accounts were accepted by the reporting body on 23rd October, externally audited by 25th November and only available for public inspection after this point in time. Therefore the response to this question must be "No".

2.1.3. It should be noted that once approved and externally audited the accounts were published and the remainder of the requirements of the Accounts and Audit Regulations were adhered to and arrangements have been made to ensure that following the first full year of operation the accounts will be approved, audited and published to meet all of the timescales required.

Section 3 – External auditor certificate and opinion 2013/14

Certificate

We certify that we have completed the audit of the annual return for the year ended 31 March 2014 of:

Respective responsibilities of the body and the auditor

The body is responsible for ensuring that its financial management is adequate and effective and that it has a sound system of internal control. The body prepares an annual return in accordance with proper practices which:

- summarises the accounting records for the year ended 31 March 2014; and
- confirms and provides assurance on those matters that are important to our audit responsibilities.

Our responsibility is to conduct an audit in accordance with guidance issued by the Audit Commission and, on the basis of our review of the annual return and supporting information, to report whether any matters that come to our attention give cause for concern that relevant legislation and regulatory requirements have not been met.

External auditor report

(Except for the matters reported below)* on the basis of our review, in our opinion the information in the annual return is in accordance with proper practices and no matters have come to our attention giving cause for concern that relevant legislation and regulatory requirements have not been met.

(*delete as appropriate).

(continue on a separate sheet if required)

Other matters not affecting our opinion which we draw to the attention of the body:

(continue on a separate sheet if required)

External auditor signature

External auditor name

Date

Note: The auditor signing this page has been appointed by the Audit Commission and is reporting to you that they have carried out and completed all the work that is required of them by law. For further information please refer to the Audit Commission's publication entitled Statement of Responsibilities of Auditors and of Audited Small Bodies.

Section 4 – Annual internal audit report 2013/14 to

Essex Countywide Traveller Unit Joint Committee

The body's internal audit, acting independently and on the basis of an assessment of risk, carried out a selective assessment of compliance with relevant procedures and controls expected to be in operation during the financial year ended 31 March 2014.

Internal audit has been carried out in accordance with the body's needs and planned coverage. On the basis of the findings in the areas examined, the internal audit conclusions are summarised in this table. Set out below are the objectives of internal control and alongside are the internal audit conclusions on whether, in all significant respects, the control objectives were being achieved throughout the financial year to a standard adequate to meet the needs of the body.

Internal control objective	Agreed? Please choose one of the following		
	Yes	No*	Not covered**
A Appropriate accounting records have been kept properly throughout the year.	✓		
B The body's financial regulations have been met, payments were supported by invoices, all expenditure was approved and VAT was appropriately accounted for.	✓		
C The body assessed the significant risks to achieving its objectives and reviewed the adequacy of arrangements to manage these.		✓	
D The annual taxation or levy or funding requirement resulted from an adequate budgetary process; progress against the budget was regularly monitored; and reserves were appropriate.	✓		
E Expected income was fully received, based on correct prices, properly recorded and promptly banked; and VAT was appropriately accounted for.	✓		
F Petty cash payments were properly supported by receipts, all expenditure was approved and VAT appropriately accounted for.			✓
G Salaries to employees and allowances to members were paid in accordance with body approvals, and PAYE and NI requirements were properly applied.	✓		
H Asset and investments registers were complete and accurate and properly maintained.			✓
I Periodic and year-end bank account reconciliations were properly carried out.	✓		
J Accounting statements prepared during the year were prepared on the correct accounting basis (receipts and payments or income and expenditure), agreed to the cash book, were supported by an adequate audit trail from underlying records, and, where appropriate, debtors and creditors were properly recorded.	✓		

For any other risk areas identified by the body (list any other risk areas below or on separate sheets if needed) adequate controls existed:

Control A+I - assurance taken from annual manage key fundamental systems audits of General ledger and Cash & Bank
Control F+H - Not covered as none exist.

Name of person who carried out the internal audit: SUE WEST

Signature of person who carried out the internal audit: S. West Date: 30.04.2014

*Note: If the response is 'no' please state the implications and action being taken to address any weakness in control identified (add separate sheets if needed).

**Note: If the response is 'not covered' please state when the most recent internal audit work was done in this area and when it is next planned, or, if coverage is not required, internal audit must explain why not (add separate sheets if needed).

Continued.

Control C - No formal risk management process in place. Risks have now been identified and will be reported to the Joint Committee at the next meeting. This will then be an ongoing process.

Control G - Yes given for this control, however, some minor immaterial issues were identified with the accuracy and coding of overtime and standby payments. Actions are being to address these. Note: these payments are still made through Payroll and therefore were approved and PAYE/NI requirements properly applied.

Assurance taken from annual managed key fundamental systems audit of Payroll

S. L. West

Guidance notes on completing the 2013/14 annual return

- 1 You must apply proper practices for preparing this annual return. Proper practices are found in the Practitioners' Guides* which are updated from time to time and contain everything you should need to prepare successfully for your financial year-end and the subsequent audit. Both NALC and SLCC have helplines if you want to talk through any problem you may encounter.
- 2 Make sure that your annual return is complete (i.e. no empty red boxes), and is properly signed and dated. Avoid making any amendments to the completed return. But, if this is unavoidable, make sure the amendments are drawn to the attention of and approved by the body, properly initialled and an explanation is provided to the external auditor. Annual returns containing unapproved or unexplained amendments will be returned unaudited and may incur additional costs.
- 3 Use the checklist provided below. Use a second pair of eyes, perhaps a member or the Chair, to review your annual return for completeness before sending it to the external auditor.
- 4 Do not send the external auditor any information not specifically asked for. Doing so is not helpful. However, you must notify the external auditor of any change of Clerk, Responsible Financial Officer or Chair.
- 5 Make sure that the copy of the bank reconciliation which you send to your external auditor with the annual return covers all your bank accounts. If your body holds any short-term investments, note their value on the bank reconciliation. The external auditor must be able to agree your bank reconciliation to Box 8 on the Accounting statements. You must provide an explanation for any difference between Box 7 and Box 8. More help on bank reconciliation is available in the Practitioners' Guides*.
- 6 Explain fully significant variances in the accounting statements on page 2. Do not just send in a copy of your detailed accounting records instead of this explanation. The external auditor wants to know that you understand the reasons for all variances. Include a complete analysis to support your explanation. There are a number of examples provided in the Practitioners' Guides* to assist you.
- 7 If the external auditor has to review unsolicited information, or receives an incomplete bank reconciliation, or you do not fully explain variances, this may incur additional costs for which the auditor will make a charge.
- 8 Make sure that your accounting statements add up and the balance carried forward from the previous year (Box 7 of 2013) equals the balance brought forward in the current year (Box 1 of 2014).
- 9 Do not complete section 3. The external auditor will complete it at the conclusion of the audit.

Completion checklist – 'No' answers mean you may not have met requirements		Done?
All sections	All red boxes have been completed?	✓
	All information requested by the external auditor has been sent with this annual return? Please refer to your notice of audit.	✓
Section 1	Approval by the body confirmed by signature of Chair of meeting approving the accounting statements?	
	An explanation of significant variations from last year to this year is provided?	✓
	Bank reconciliation as at 31 March 2014 agreed to Box 8?	✓
	An explanation of any difference between Box 7 and Box 8 is provided?	✓
Section 2	For any statement to which the response is 'no', an explanation is provided?	✓
Section 4	All red boxes completed by internal audit and explanations provided?	✓

*Note: Governance and Accountability for Local Councils in England – A Practitioners' Guides, is available from NALC and SLCC representatives or Governance and Accountability for Internal Drainage Boards in England – A Practitioners' Guides, is available from the ADA at The Association of Drainage Authorities, 12 Cranes Drive, Surbiton, Surrey, KT5 8AL or from the NALC, SLCC or ADA websites - see page 1 for addresses.

Appendix Two

ECC Internal Audit Report for the financial year ended 31st March 2014

Internal Audit

Final Report

Essex Countywide Traveller Unit (ECTU) Joint Committee

Audit Plan Reference: GRT1.1

May 2014

Distribution List:

Julie Ellis, Director of Delivery Transition

Anna Lambert, Head of Delivery Transition

Margaret Lee, Executive Director for Corporate Services and Customer Operations

David Poole, Senior Financial Analyst

Stephen Andrews, Essex Countywide Traveller Unit Manager

Cllr John Jowers, Cabinet Member for Libraries, Communities and Planning

Essex Countywide Traveller Unit Joint Committee

Prepared by: Sue West – Audit Manager
Mark Parirenyatwa – Auditor

1. Executive Summary

Introduction and Ownership

This review was undertaken as part of the 2014/15 Internal Audit Plan agreed by the Audit Committee (Audit Plan Reference GRT1.1).

Scope

Internal audit work was undertaken as required by the Audit Commission in respect of the Small Bodies in England Annual Return for the year ended 31 March 2014 and as specified in our agreed Terms of Reference. Section 4 of the Annual Return has been completed and signed.

2. Work Undertaken

The following work was undertaken:

- Relevant documentation was examined relating to the control objectives specified in Section 4 of the Annual Return;
- Sample testing was undertaken on transactions relating to purchase and overtime payments.

Audit Note: *As the Council's key financial systems are used for the accounts of the Joint Committee, assurance was taken from the annual managed systems audit work of Payroll, General ledger and Cash and Bank.*

3. Findings



It was found that with the exception of the assessment of risks, in all significant respects, the control objectives in Section 4 of the Annual Return were being achieved throughout the financial year to an adequate standard.

Although control objective G relating to salaries to employees/allowances to members was assessed as being achieved, some 'moderate priority' issues were identified relating to the accuracy and coding of overtime and standby payments.

Audit Note: *Control objectives relating to petty cash and asset/investments registers were not covered as the Joint Committee does not have these.*

4. Conclusion

Four recommendations have been included in the action plan below for consideration by the Joint Committee, to ensure that the weaknesses identified relating to overtime/standby payments are addressed and that the control objective relating to the assessment of risk is achieved during the 2014/15 financial year.





Matters Arising	Potential Risk Implications	Recommendations	Priority	Management Responses and Agreed Actions
Control Objective C – Assessment of Risks				
1. It was identified that the Joint Committee has not assessed the significant risks that may adversely affect Essex Countywide Traveller Unit (ECTU) in achieving its objectives and reviewed the adequacy of arrangements to mitigate these risks throughout the 2013/14 financial year. Audit Note: It is acknowledged that the Head of Delivery Transition has identified two high level risks and has indicated that these will be presented to the Joint Committee in June 2014 for consideration.	Failure to identify significant risks and to regularly review adequacy of arrangements in place to mitigate these risks may result in ECTU failing to achieve its objectives, potentially resulting in financial loss and reputational damage to the Joint Committee.	The Joint Committee should formally assess and record the significant risks associated to achieving its objectives and regularly review the controls in place to mitigate these risks. Minutes from Joint Committee meetings should fully reflect this.	 Moderate	Agreed: Yes Action to be taken: Risk assessment completed and approved by Operations Board on 15 May 2014 and Joint Committee on 19 June 2014 Additional Resources Required for Implementation: No Responsible Officer: Anna Lambert, Head of Delivery Transitions. Target Date: 19 June 2014
Overtime Claim Process				
2. A review of the overtime claim process identified the following weaknesses: <ul style="list-style-type: none"> There is inadequate audit trail to demonstrate that all overtime claims have been pre-approved by the ECTU Manager. In addition, there is no evidence to confirm that the hours claimed have actually been worked; Audit Note: The ECTU Manager informed that claimants send him emails advising the additional hours	Fraudulent and/or incorrect overtime claims may be submitted and processed without detection resulting in financial loss to ECTU and potential reputational damage to the Joint Committee. Human errors may go undetected	An overtime claim form should be introduced. The claim form should have provision to show that the additional hours claimed have been pre-approved by the ECTU Manager. In addition, each claimant should complete and sign and submit their overtime claims. It should be explored as to whether it is possible that the Oracle Payroll system can be set to use the date entered to	 Moderate	Agreed: Yes Action to be taken: Overtime and standby forms now established and being used by ECTU staff and submitted to Steve Andrews. Steve cross references overtime/standby claims to pre-agreed rota to confirm submission. It is then subject to further senior management approval through the ePayroll system. ePayroll discussions commenced to enquire whether the current system

Matters Arising	Potential Risk Implications	Recommendations	Priority	Management Responses and Agreed Actions
<p><i>worked. However, during audit testing, the emails from claimants could not be retrieved.</i></p> <ul style="list-style-type: none"> Although the rates of pay are in-built within the ECC Oracle Payroll system, the ECTU Manager manually inputs whether the claimant is to be paid at time and half or double pay, despite inputting the date; and The ECTU Manager also manually inputs amount to be paid on standby duties. 	<p>resulting in over / under payments of overtime. This may result in financial loss to the Joint Committee and potential reputational damage.</p>	<p>determine whether the overtime is to be paid at time and half or double pay.</p> <p>In addition it should be explored as to whether parameters can be set on the system so that the system can determine whether standby claims are to be paid at the summer or winter rate.</p>		<p>has the capability suggested or whether there are any modifications planned.</p> <p>Additional Resources Required for Implementation: No</p> <p>Responsible Officer: Steve Andrews, ECTU Manager.</p> <p>Target Date: 7 June 2014</p>
<p>Overtime Transactions</p> <p>A report of overtime transactions for the ECTU from 01/04/13 to 31/03/14 was obtained from IFS, the Council's General Ledger system and reviewed. It was identified that 17 overtime transactions totalling £1,174 were processed. All the overtime transactions were examined and checked against the ePayroll system. The following issues were identified:</p> <ul style="list-style-type: none"> For seven payments amounting to £66.35 it could not be established what they related to. Although they appeared as staff overtime on the General ledger report, they did not appear on individual employees' payslips; 				
<p>Fraudulent and/or incorrect overtime claims may be submitted and processed without detection resulting in financial loss to ECTU and potential reputational damage to the Joint Committee.</p> <p>Where payments are not recorded promptly and/or correctly onto the accounting system, this may lead to</p>	<p>The seven payments and the numerous standby payments not appearing on the General ledger report should be investigated and appropriately coded.</p> <p>Adequate records should be maintained to ensure transparency and a clear audit trail for all overtime claims submitted and paid.</p> <p>The £200 paid as standby overtime for November / December 2013 should be fully investigated to confirm that the standby duties were actually undertaken and paid at the correct rate and corrective</p>	<p>Moderate</p>	<p>Agreed: Yes</p> <p>Action to be taken:</p> <p>Overtime and standby forms now established and being used by ECTU staff and submitted to Steve Andrews. Steve cross references overtime/standby claim to pre-agreed rota to confirm submission.</p> <p>Finance reports and submissions will be cross referenced and any discrepancies treated in accordance with ECC Finance guidelines.</p> <p>Overtime will now be submitted for</p>	

Matters Arising	Potential Risk Implications	Recommendations	Priority	Management Responses and Agreed Actions
<ul style="list-style-type: none"> Numerous standby payments appeared on the ePayroll system but did not appear on the IFS download; A staff member was paid £200 for November/December 2013 standby duties. However, examination of the calendar rota (used to input standby overtime onto the ePayroll system) could not reconcile the standby duties claimed and paid. It could also not be confirmed which rate of pay was used as the winter rate is £25 per day; The staff member was also paid £405.57 for 18 additional hours worked on 22/09/14. <p>Audit Note: Without a claim form and originating emails from the claimant, it was not possible to confirm whether the 18 hours overtime claim was worked on one day or over several days.</p> <p>The ECTU Manager advised that there are instances where, a claimant could have worked additional hours on several days but he uploads the hours onto the system as having been worked on one day.</p>	<p>ineffective budget monitoring, which could result in cost centre overspends or underspends at year-end and/or a potential budget deficit situation. Furthermore, spending decisions may be based on inaccurate budgetary information.</p>	<p>measures taken, if applicable. Since not all overtime is paid at the same rate, additional hours should be entered onto the ePayroll system separately i.e. total hours worked on each day and not aggregated and entered as having been worked on one day.</p> <p>Audit Note: Saturday overtime is paid at time and half, while Sunday's is at double pay rate.</p>		<p>individual days and not aggregated in accordance with Internal Audit recommendation.</p> <p>Additional Resources Required for Implementation: No</p> <p>Responsible Officer: Steve Andrews, ECTU Manager.</p> <p>Target Date: 7 June 2014</p>

Matters Arising	Potential Risk Implications	Recommendations	Priority	Management Responses and Agreed Actions
Approval of Overtime Claim Rates				
<p>4. Two types of overtime payments are made to ECTU staff being:</p> <ul style="list-style-type: none"> • Call out at weekends (Saturdays are paid at time and half, while Sundays and bank holidays at double pay); and • Standby (paid at £50 per day in summer and £25 per day during winter). <p>However, there is no evidence to demonstrate that these rates have been approved by the Joint Committee. In addition, there are no definitive dates for when the summer and winter standby rates are applicable from and to.</p>	<p>Where overtime claim rates and definitive summer / winter periods have not been appropriately approved, fraudulent, incorrect and inconsistent rates and periods may be applied, resulting in financial loss to ECTU and reputational damage to the Joint Committee.</p>	<p>Overtime claim rates for call outs at weekends and standby should be regularly reviewed and appropriately approved by the Joint Committee at least annually. Review and approval of the rates should be clearly documented in the relevant Joint Committee meeting minutes. In addition, the summer and winter periods for standby should be clearly defined.</p>	<p>● Low</p>	<p>Agreed: Yes, however, no action is required from the Joint Committee.</p> <p>Action to be taken: The Joint Committee Agreement states in section 13.4 that such decisions are made by the Unit Manager within the constraints of the ECTU budget, therefore no approval for this is required by the Joint Committee. The rates will be reviewed by the ECTU Manager and summer/winter periods clearly defined.</p> <p>Additional Resources Required for Implementation: No</p> <p>Responsible Officer: Steve Andrews, ECTU Manager.</p> <p>Target Date: 7 June 2014</p>

5. Risk Rating Rationale

Risk rating	Assessment rationale
 Critical	<p>Critical and urgent in that failure to address the risk could lead to one or more of the following occurring:</p> <ul style="list-style-type: none"> ▪ Significant financial loss (through fraud, error, poor value for money) ▪ Serious safeguarding breach ▪ Life threatening or multiple serious injuries ▪ Catastrophic loss of service ▪ Failure of major projects ▪ Critical Information loss leading to ICO referral ▪ Reputational damage - Intense political and media scrutiny i.e. front-page headlines, TV. ▪ Possible criminal, or high profile, civil action against the Council, Members or officers. ▪ Intervention by external agencies <p>Remedial action must be taken immediately</p>
 Major	<p>Major in that failure to address the issue or progress the work would lead to one or more of the following occurring:</p> <ul style="list-style-type: none"> ▪ High financial loss (through fraud, error, poor value for money) ▪ Safeguarding breach ▪ Serious injuries or stressful experience requiring medical treatment, many work days lost ▪ Significant disruption to service (Key outcomes missed, some services compromised. Management action required to overcome medium term difficulties) ▪ Major Information loss leading to internal investigation ▪ Reputational damage - Unfavourable external media coverage. Noticeable impact on public opinion. ▪ Scrutiny required by external agencies <p>Remedial action must be taken urgently</p>
 Moderate	<p>Moderate in that failure to address the issue or progress the work would lead to one or more of the following occurring:</p> <ul style="list-style-type: none"> ▪ Medium financial loss (through fraud, error or poor value for money) ▪ Significant short-term disruption of non-core activities ▪ Scrutiny required by internal committees. ▪ Injuries or stress level requiring some medical treatment, potentially some work days lost ▪ Reputational damage - Probable limited unfavourable media coverage. <p>Prompt specific action should be taken</p>
 Low	<p>Low in that failure to address the issue or progress the work would lead to one or more of the following occurring:</p> <ul style="list-style-type: none"> ▪ Low financial loss (through error or poor value for money) ▪ Minor errors in systems/operations or processes requiring action or minor delay without impact on overall service delivery schedule. Handled within normal day to day routines. ▪ Reputational damage - Internal review, unlikely to have a wider impact. <p>Remedial action is required</p>

Appendix Three

ECTU proposed budget for 2014/15 and Indicative budget for 2015/16 and 2016/17

Essex Countywide Traveller Unit

Proposed 2014/15 and Indicative 2015/16 and 2016/17 Budgets

Revenue Account *

	2014/15	2015/16	2016/17
Employees	£230,607	£235,219	£239,923
Supplies & Services **	£34,732	£9,926	£10,125
Transport & Mileage	£19,447	£19,836	£20,233
Gross Expenditure	£284,786	£264,982	£270,281
Partner Contributions	£294,285	£294,285	£294,285
Gross Income	£294,285	£294,285	£294,285
Net Expenditure (surplus)/deficit	(£9,499)	(£29,304)	(£24,004)

* Annual inflation assumed at 2% and 2014/15 budget assumes 2013/14 actual costs plus inflation plus 10% contingency

** 2014/15 Supplies & Services includes an additional £25k for IT costs not spent in 2013/14

Balance Sheet: General Balance

	2014/15	2015/16	2016/17
Opening Balance (credit)	(£92,655.77)	(£102,155.11)	(£131,458.72)
Current Year Net Expenditure (surplus)	(£9,499.34)	(£29,303.62)	(£24,003.98)
Closing Balance (surplus) / deficit	(£102,155.11)	(£131,458.72)	(£155,462.70)

Essex Countywide Traveller Unit

Proposed 2014/15 and Indicative 2015/16 and 2016/17 Funding

Partner Contributions

	2014/15	2015/16	2016/17
Essex County Council	£147,286.38	£147,286.38	£147,286.38
Essex County Fire and Rescue Service	£25,720.00	£25,720.00	£25,720.00
Basildon Borough Council	£7,181.00	£7,181.00	£7,181.00
Colchester Borough Council	£7,181.00	£7,181.00	£7,181.00
Maldon District Council	£7,181.00	£7,181.00	£7,181.00
Rochford District Council	£7,181.00	£7,181.00	£7,181.00
Tendring District Council	£7,181.00	£7,181.00	£7,181.00
Uttlesford District Council	£7,181.00	£7,181.00	£7,181.00
Mid Essex CCG	£14,202.00	£14,202.00	£14,202.00
North East Essex CCG	£14,202.00	£14,202.00	£14,202.00
South East Essex CCG	£14,202.00	£14,202.00	£14,202.00
South West Essex CCG	£14,202.00	£14,202.00	£14,202.00
West Essex CCG	£14,202.00	£14,202.00	£14,202.00
Total contributions	£294,285.38	£294,285.38	£294,285.38

*Health contributions will total £71,012.00 but actual make-up of contributions may vary

** Figures exclude the contribution in kind from Essex Police of £75,000 per annum

BUSINESS RISK ASSESSMENT

RISK ASSESSMENT COMPLETED BY

DATE

FUNCTION / SERVICE / TEAM

Essex Countywide Traveller Unit

PROJECT / PROGRAMME (if applicable)

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.	Parthers withdraw from service		4	2	8	SA	Treat	Ensure additional resource is funded/recruited if req Reduce service levels		SA	3	1	3	
2	Insufficient funding to deliver service	Reduction in partner/partners do not renew after 3 years	Part or all of the service will stop delivering		5	2	10	SA	Treat	Lobby partner for early commitment to renew Reduce service levels proportionate to partner buy in		SA/AL	4	1	4	
3	ECTU perceived as not delivering expected service by stakeholders	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. Serivce is no longer viable		4	3	12	SA	Treat	Inform members of service/regular comms Ensure SPOCs are informed Comms strategy/press releases for wider stakeholders		SA	2	2	4	
4	High demand on legal services with associated cost implications	High volume of unauthorised encampments, or legal challenge on action taken	Costs outstrip available budget/existing surplus		4	2	8	SA	Treat	Ensure resource available to manage encampments and where possible negotiate departures Ensure robust precedures followed to minimise challenge risk Seek additional member contribution to offset increased costs		SA	4	1	4	

Essex Countywide Traveller Unit

Joint Committee Report – 19th June 2014

The following report covers ECTU operations to date, including the updated position from the last Joint Committee presentation in January 2014.

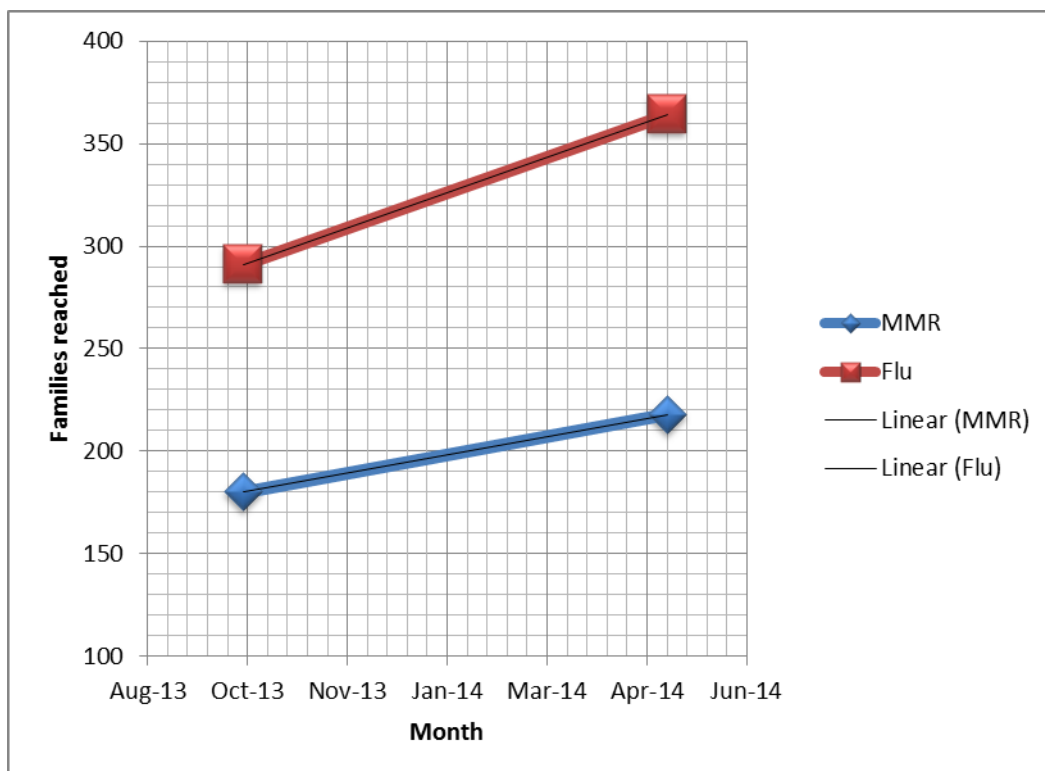
Health

Health outreach will continue to work on a 3 stream approach:-

- Direct one to one work with families
- Utilising national campaigns for focus/resource support
- Utilising existing resources – SOS Bus, Essex Young Peoples Drunk & Alcohol Service Bus, Ethnic Minority and Traveller Achievement Service bus (Thurrock) as a focal point to promote campaigns/issues.

Inoculations/Immunisations (October 2013 reported figure in brackets)

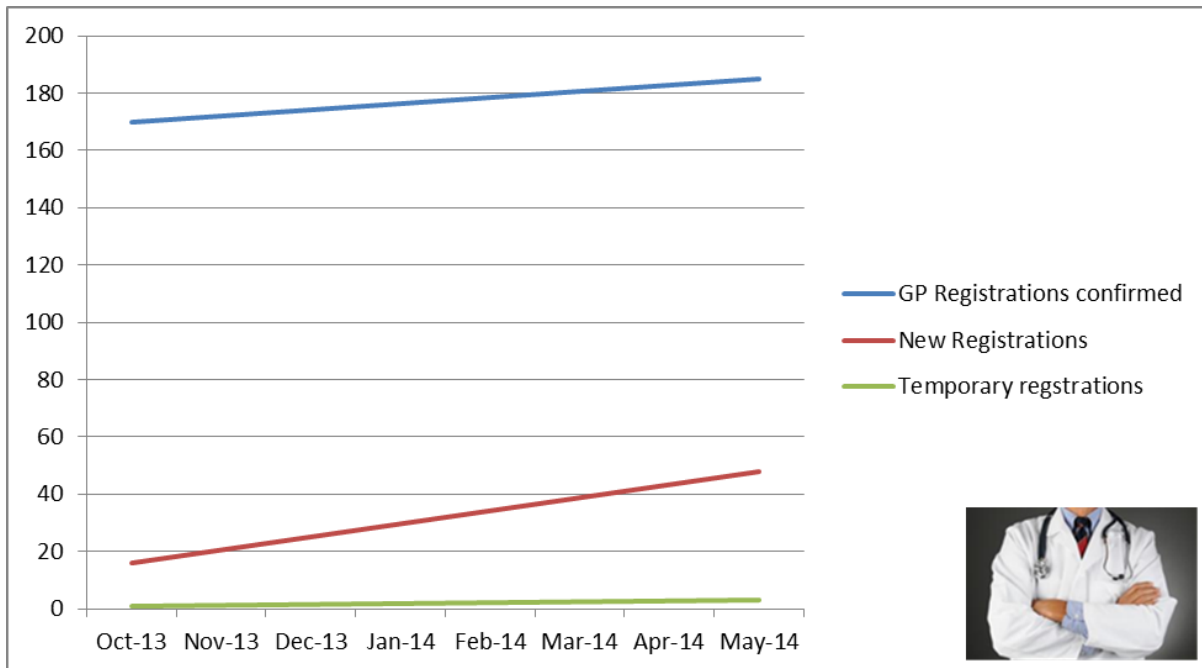
- MMR outreach to 218 (180) families 6 refusals - advising families specifically regarding accessing immunisations for the children and concerns re combined vaccinations
- Flu - outreach to over 40 sites, 364 (291)



- CPD- Cervical Cancer for girls. Tetanus and Meningitis for boys and girls – promoted to 40 families, 15 confirmed as needing the jabs, 2 girls went to the bus for both jabs and 1 identified 2 others to be done at a later date

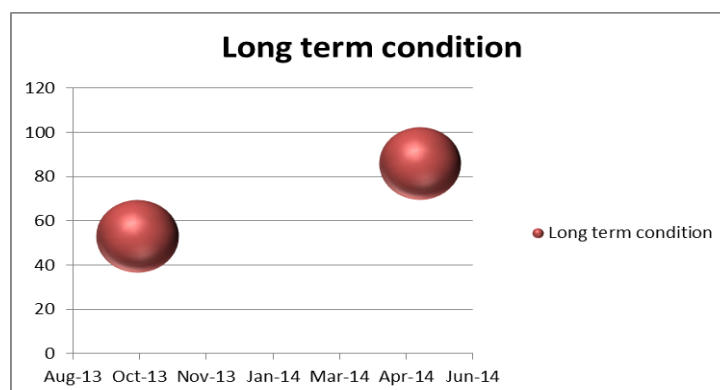
GP / Dentist Registrations (Oct 13 reported figure in brackets)

- 185 (170) families have been confirmed registered with GP
- 48 (16) new registrations
- 3 (1) temp registration with Long Term Condition



- 8 (6) families referred to Health Visitors re health and ante natal care issues
- 9 (4) new families registered to dentists.

Long Term Conditions



86 (53) identified to date with LTCs including diabetics, asthmatics, arthritics, heart, cancer etc. There are high levels of stress/depression in the community, although these figures only identify more extreme cases.

Healthy eating

Providing support/information on healthy eating at client's request: 7 families

5 families referred to food bank

Health – other

Supported 6 families escaping violence

Supporting 9 families re mental health issues

Delivered/discussed stop smoking information to 19 families

Case Study 1 – Notified by a Health visitor that an expectant mother was not attending her appointments with the Mid Wife. We did a home visit and found that the mother's personal circumstances were very difficult. We were able to support the mother who does not read or write by going through her maternity book, discussing the different appointments she had to attend and agreeing to ring her the day before the appointments to remind her. We had regular contact with the health visitor and was able to support the mothers' attendance at the clinic. There was ongoing concern about this pregnancy and the baby was born prematurely. We have maintained contact with all concerned regarding the welfare of mother and baby

Case Study 2 – Working with and supporting one family with two adults and one YP, both adults having long term health conditions.

Liaised with Social Care for assessment re requirements in the home /possible adaptations.

YP given support re college application, application made to sports course for September, (having been out of school for over two years).

Whilst I was working with the family one adult was diagnosed with early onset dementia.

Liaised with Health services, also contacted Alzheimers Society (AS). Discussed possible support with family, arranged joint visit with the outreach worker from the AS, met with the whole family plus extended family and all were offered support, counselling, practical advice re diet, taking medication etc, they are also to be supplied with device to keep track of adult with memory loss to help keep him safe, and with medication dispensers for both adults with automated release/reminder. Family will also be able to access day centre for day care in specialist centre for people with early onset memory loss where the adult with condition can do carpentry etc, also partner will be able to attend for support, after speaking during our visit, both adults felt confident to use this service.

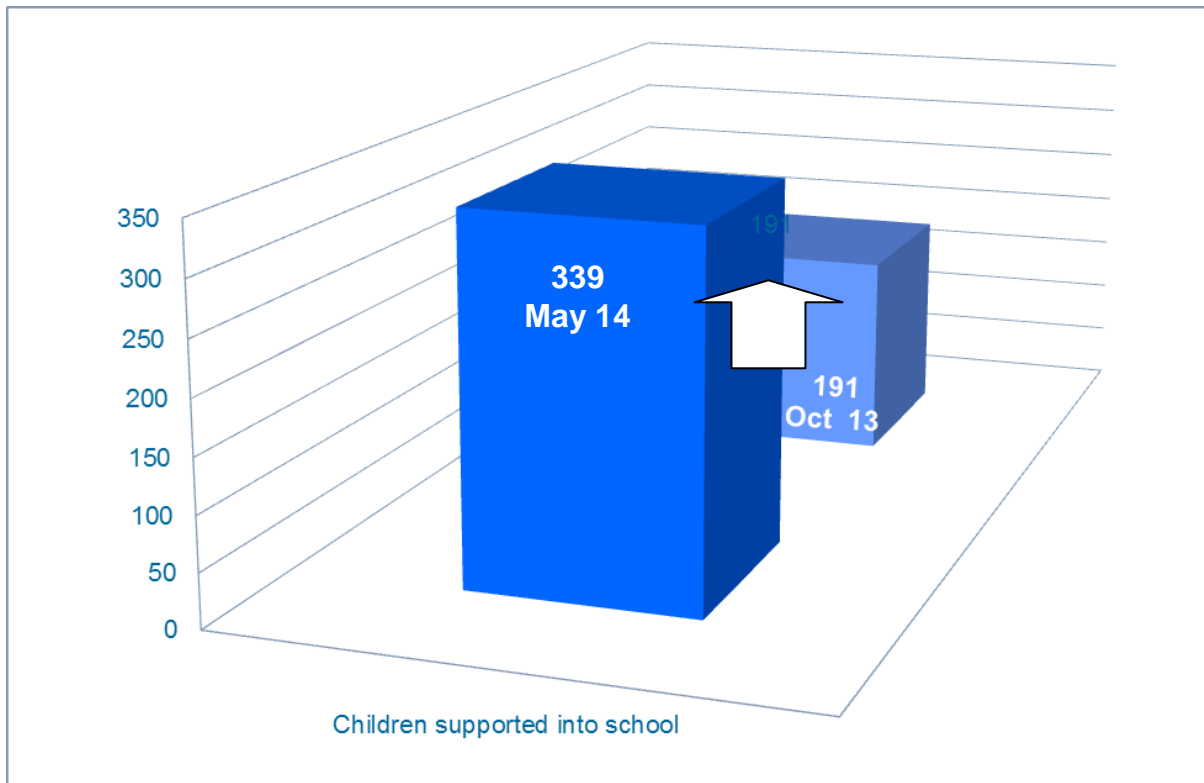
Health checks etc – as the health bus methodology is a spring/summer activity, these will be scheduled for the coming months. An early visit to Thurrock promoting healthy eating and diabetes identified 2 x new diabetes sufferers, promoted healthy eating to 22 families, with 5 committing to a healthier eating program.

Buffy Bus project - play bus sessions delivered to site joint working with Children's Centre and Local Charity – 13 children and 5 adults accessed, adults utilised to discuss issues around health, behaviour, education and benefits, and support was given on these issues.

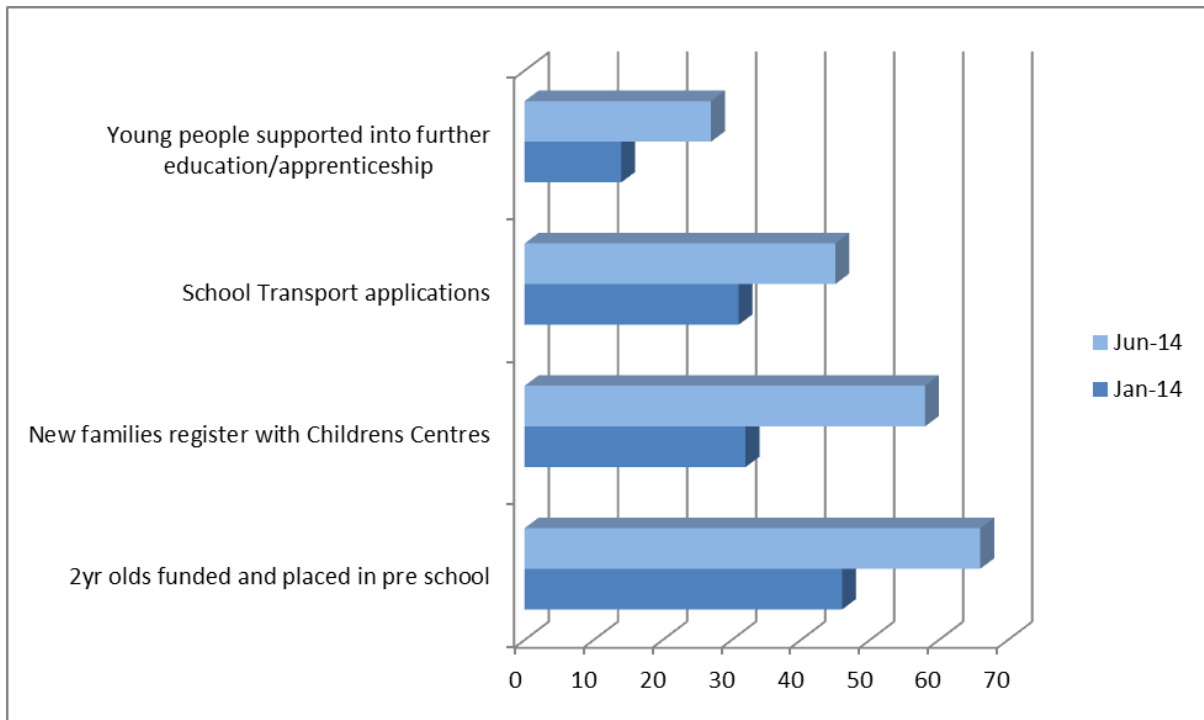
Indicator	Sub Division	May 13	Oct 13	May 14	Total
Facilitated to received primary Immunisation		50	130	38	218
	Through domiciliary team	11*	20	0	31
Facilitated to receive the flu jabs		291	n/a	73	364
Pregnant women facilitated to access Ante-Natal	Under 12 weeks	Not reported	0	1	1
	Over 12 weeks	Not reported	4	16	20
Identified as having Long Term condition (LTC)		8	45	33	86
LTC's receiving flu jab		5	n/a	na	5
Number assisted to register with GP	Permanent	13	3	32	48
	Temporary	1	0	2	3
Health checks facilitated		Not reported	26	0	26
Number referred to stop smoking		Not reported	6	14	18
	Pregnant		0	0	0

* 11 referred to domiciliary, but were unable to fulfil due to lack of availability of domiciliary service

Education is cyclical, in that there are certain time frames for completing various school applications. In addition to the main figures below, work is carried out around school appeals, working with Educational Welfare Officers around attendance issues and child protection issues.



339 (191) children supported into school



66 (46) 2yr olds funded and placed in pre school

58 (32) new families register with Childrens Centres

45 (31) School Transport applications

27 (14) young people supported into further education/apprenticeship

Home Education Data

HES/EMTAS stats 01/09/2013 to 09/05/2014

Number of children referred to HES during the above period	Number of children	% of total
Total new referrals	476	
1 Gypsy / Roma (WROM)	9	1.89
2 Traveller of Irish Heritage (WIRT)	17	3.57
3 Referral from EMTAS no ethnicity recorded	2	0.42
4 Total 1,2,3	28	5.88

Number of children registered as Home Educated on 09/05/2014

	Number of children	% of total
Total number of children	804	
1 Gypsy / Roma (WROM)	32	3.98
2 Traveller of Irish Heritage (WIRT)	21	2.61
3 Referral from EMTAS no ethnicity recorded	6	0.75
4 Total 1,2,3	55	7.34

It is preferable for Gypsy/Traveller to attend schools in terms of receiving appropriate level of education, and integration. Home education is often not the ideal solution as parents may not be literate themselves, hence low rates are preferable.

Indicator	Sub Division	May 13	Oct 13	May 14	Total
Number of Children accessing pre-school /school 2 – 16		162	29	148	339
Number of children transferring from primary to secondary		na	33	na*	33
Number of young adults accessing further education		9	5	13	27
Number/%of children referred to Home Education		0	76 (7%)	28 (6%)	

*number of ascribed GRT students currently in secondary education 41

Case study 1

A family moved back into the North Benfleet /Basildon area and asked a school if they could take the children. The school agreed to take the 2 younger children but not the eldest even though the school had spaces. This was due to the child having some problems. I supported the mother to fill out an application form but the school took a very long time to reply to admissions. When the offer came through the mother was told, by the school, that this child could only have **one hours** schooling a day. I have liaised with the Education Welfare Service and the Special Needs Team to address this problem. The child is now attending for **three hours** a day and the mother has been told that the child can go full time in two weeks' time. Without support this child would not be in education.

Case study 2

A young person had not been in school for over three years, not been receiving any education and would be a current year 11. We discussed options, the young person not confident in school environment following bullying incidents when in school in year 7. Explained we could try and support with alternative education provision if school could be found to fund this. Made application to school, liaised with Hard to Place within school admissions to recommend that should be through that route. Attended with young person and mother for admissions interview at school, discussed alternative education provision, young person wanted to access Hair and Beauty course.

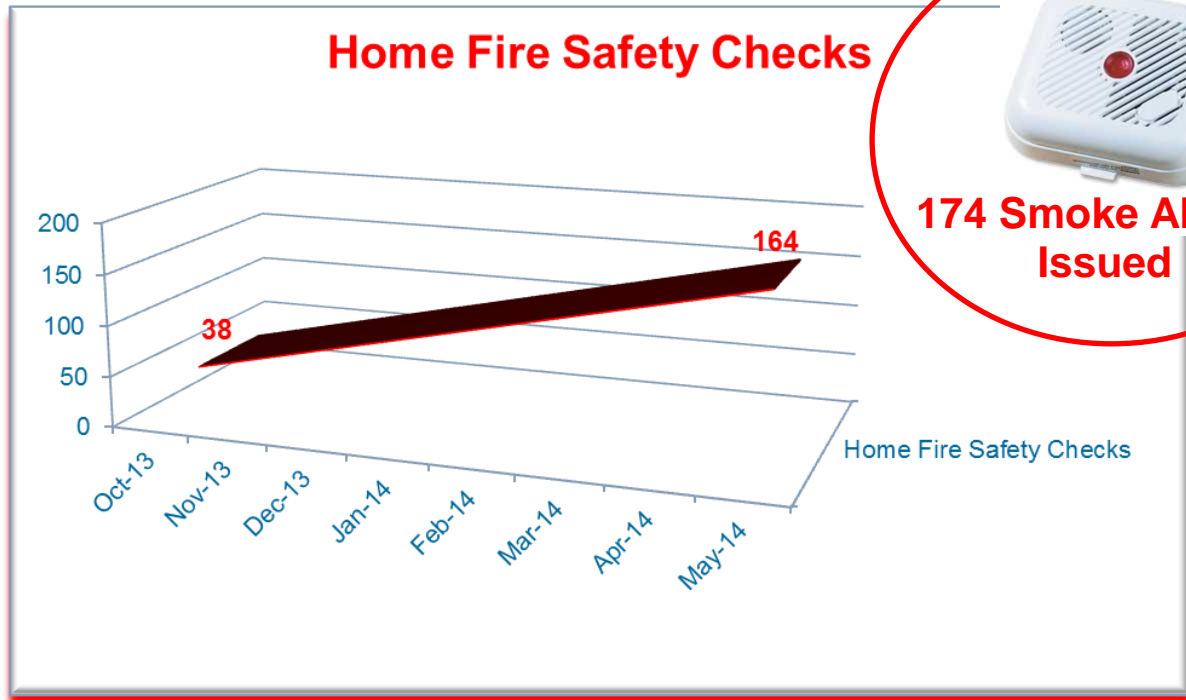
Liaised with alternative provider, re days etc visited alternative education provision with young person, who has been attending now since January.

Visited college provision with YP, made application for Hair and Beauty course for next September.



Fire Safety (Oct 13 reported figure in brackets)

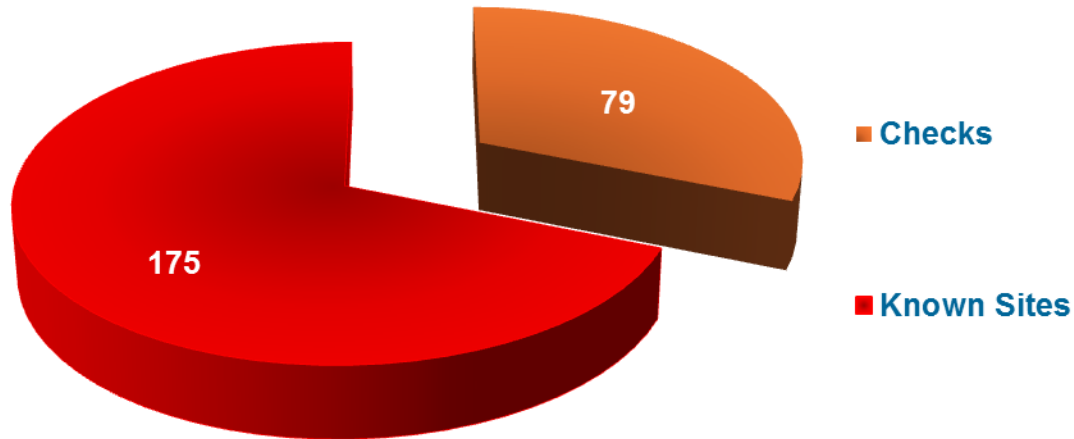
Home Fire Safety Visits



- 164 (38) Home Fire Safety visits completed across 28 sites. Total site approx.175
- 42 revisits to install smoke alarms
- 174 smoke alarms issued

Site Fire Safety Inspections

Site Fire Safety Checks



- 79 (40) Site Fire Safety checks carried out of 175 known sites

Indicator	Sub Division	5/13	10/13	5/14	Total
Home fire safety Visit	by ECTU	2	36	126	164
	Referred to ECFRS	0	1	10	11
Smoke alarms issued					174
Site Fire Safety Visits incl. access, water supply, spacing, Gas Cylinder storage, Hazardous Materials	by ECTU	24	16	39	79
	Referred to ECFRS	na	24	tba	
Note: Referrals are all concerns over location of/distance to nearest hydrant.					



Staffing

The previous incumbent left the unit in January 2014 as she had come to the end of her secondment to the role. The substantive holder of the post returned to work to a different role within the dept, hence the position had to be re-advertised. There were additional delays in the process due to policy change which resulted in the post appointment made for a new constable to the position – Paul Downes, who currently works within the ARU – and we are awaiting confirmation of the start date.

Essex Police's unauthorised encampment policy

The revised policy was published at the beginning of the year and the summary of changes states "*This document has been amended to make reference to ECTU constable instead of sergeant, and the author details have been updated.*" See appendix I and II for full document is embedded below.

Presentation to the Police and Crime Commissioner for Essex

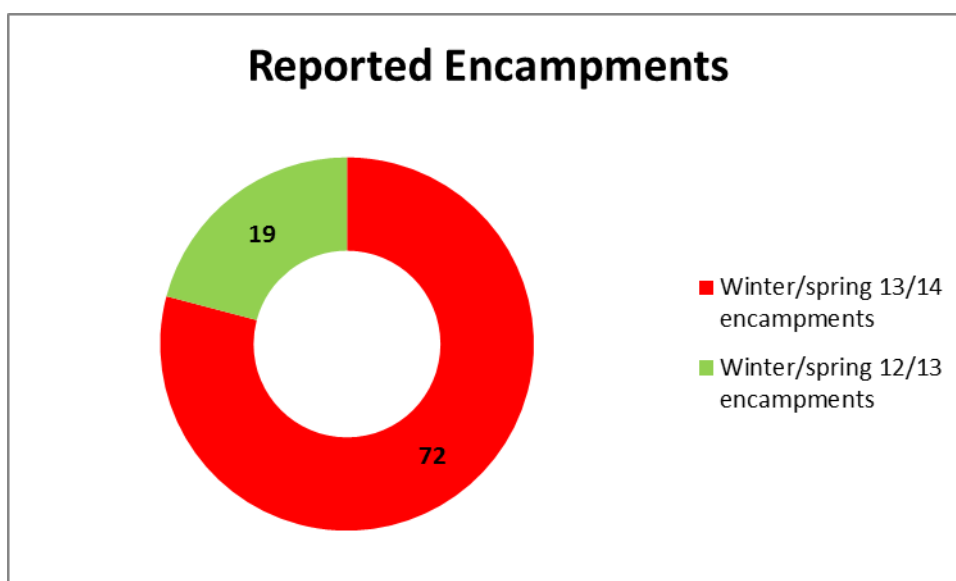
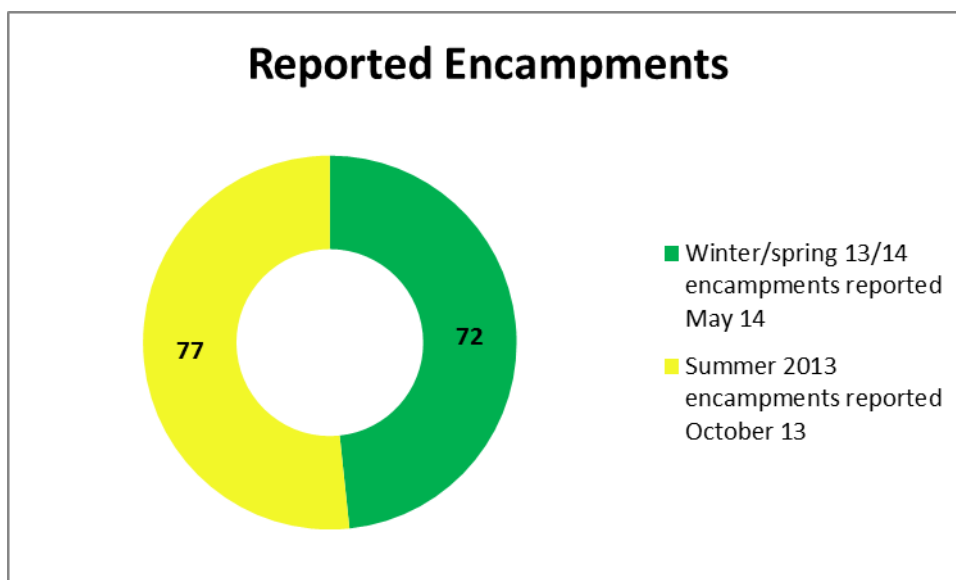


Following supporting him at a public meeting in Rochford in 2013, I was invited to present to Nick Alston, the PCC, Lyndsay Whitehouse, the Deputy PCC plus the full support team on the 27th May, on the Gypsy/Traveller culture/community, and the work of the ECTU partnership. In addition to finding it an enlightening experience in terms of increasing their knowledge and understanding of the Gypsy/Traveller community and the issues they face, they were also looking to working more closely with ECTU in terms of addressing these issues going forwards.

There were queries raised as to why certain authorities had not signed up to the unit, and specific reference was made to the current spate of Harlow encampments and also whether there was a countywide multi agency strategy which would demonstrate how we are seeking to address the issues around the community. Outside of the Joint Committee agreement, and performance monitoring based on partner requirements, there is no separate strategy, so I would ask the Committee if they would see any merit in/would like such an overarching strategy developed.

Indicator	Sub Division	October 13	May 14	Total
Increased knowledge and understanding of Gypsy/Traveller Communities	N/A	Qualitative data previously reported. Plus 10 sessions of cultural awareness have been held	No report	N/A
	Number of hate crimes reported by Gypsy/Traveller community	1	23	24
Number of UE's recorded	S61 applied	21	2	23

From the 1st October 2013 to current date. This is not comprehensive list of all encampments in Essex, as we may not be advised of encampments on non-partner or private land. There will also be occasions where we have made an initial visit to establish location/position but not pursued if found to be non-partner/private land.



72 unauthorised encampments recorded by ECTU for what should normally be the quieter winter period. When compared to the figures reported in October 2013 covering the busier summer period of 77, and the figures for the equivalent period the previous year, it confirms an exceptionally busy and unprecedented winter period.

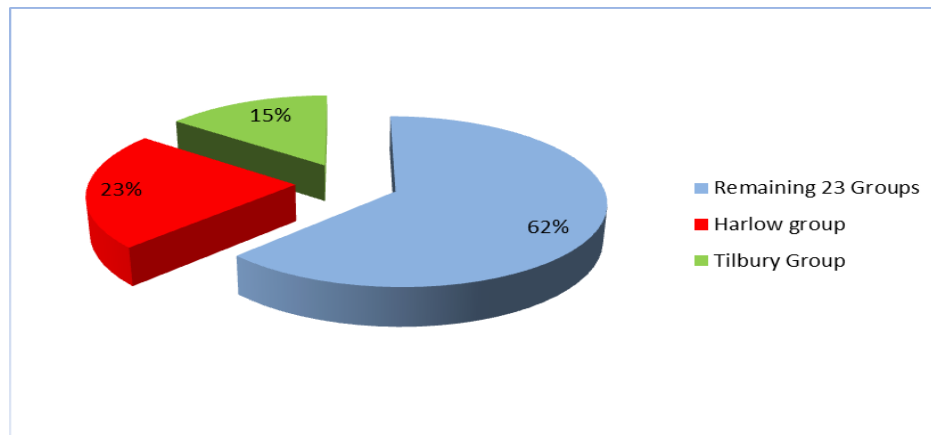
Of the 72 reported encampments

- 65 managed/visited by ECTU

- 5 non partner sites
- 10 private sites

There were **25** separate identifiable groups of Travellers involved.

There have been 2 x very active groups, 1 in Harlow accounting for 17 separate encampments, and 1 in Thurrock representing 11*



- 2 moved after direction to leave under section 77
- 16 moved following the issue of a court order under section 77
- 32 negotiated / other departures.

* It is unprecedented over the past 10 years to have any group of substance stay in one area for a protracted period of time. We are now experiencing this with 2 x separate groups. The Harlow group has been more problematic based on size and chosen stopping places. The Thurrock group is considerably smaller, has, in the main been more sensible in their stopping places, and have left the sites clean and clear on departure. They do appear to have strong local connections. We are currently assessing the viability of a pre-emptive injunction to break the cycles, although in reality this is only likely to move the issue on to an adjoining area.

Impact

Part of the objectives of ECTU in managing unauthorised encampments is to reduce the impact of the encampment on the land and adjoining community. It will always generate a degree of unrest, simply because there are Travellers camped without permission, but in promoting the required behaviour, it reduces post encampment costs, and in the longer term will ease tensions and perceptions around encampments. The current group in Tilbury, although a persistent group, have displayed good levels of behaviour, including attitude to our officers, compliance with orders/directions, behaviour towards local community, and the condition the vacated sites are being left in etc The following pictures show one encampment which when vacated, had only small piles of domestic waste gathered and ready for collection



Encampment in situ



How it was left – small piles of rubbish awaiting collection

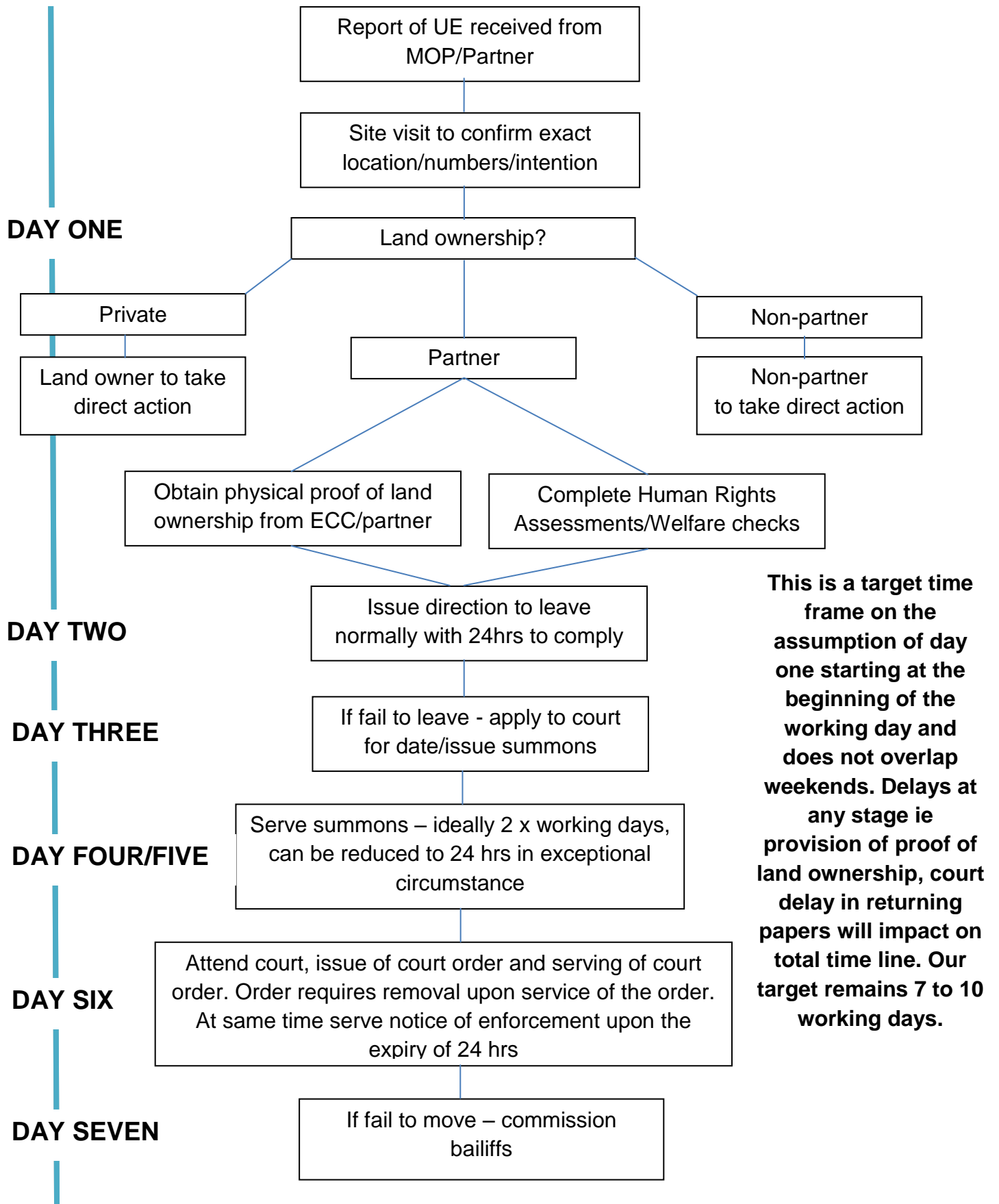


Apart from the above, field left clear.

Process

There has been some interest expressed reference the time frames involved in taking action against unauthorised encampments. The Essex Countywide Traveller unit will always ensure it acts in a lawful manner primarily using the powers granted to local authorities under Section 77/8 of the Criminal Justice and Public Order Act 1994. The application of this power required notice periods built in to ensure a fair and robust process which ensures we are not open to legal challenge. The flow chart/time line is :

TIME LINE



Indicator	Sub Division	May 13	Oct 13	May 14	Total
% of encampments where ECTU are involved		54%	66%	77%	
% visited within 1 working day		100%	97%	96%	
Number of encampments	Partner land	7	44	50	103
	Non-partner land	2	15	10	27
	Private	4	5	5	14
Number of encampments resolved	Through negotiated departure	7	41	32	80
	Through section 77 enforcement	0	3	16	3
% s77's completed within 10 working days		n/a	n/a	87%*	n/a
Number of pt 55's issued		0	0	0	0

* 2 encampments exceeded the 10 days, both where there was continuing movement between private and partner land on the same site.

General Liaison/Site Management

Horse issues – there is often an expectation that all things Gypsy/Traveller fall to the unit, including criminality, environmental health et al, and of course the control of horses. As mentioned before this is a specialist service which will require a secure and robust process and contractor in place in order to take direct action. Our colleagues in Norfolk and Suffolk have developed a policy, which could be adapted for operation in Essex, but it will need to be appropriately funded and resourced. The draft policy will be submitted to the joint committee for consideration.

Site licencing –discussions ongoing with Epping with reference to Site Licence monitoring/enforcement, which may be of interest to our other partners

PROCEDURE – Unauthorised Encampments

Number: D 0706

Date Published: 30 January 2014

1.0 Summary of Changes

This document has been amended to make reference to ECTU constable instead of sergeant, and the author details have been updated.

2.0 About this Procedure

This procedure details how Essex Police will respond to unauthorised encampments on land by individuals intending to reside on that land without the permission of the landowner.

The procedure will not be used to deal with:

- Unlawful development, whereby individuals purchase and occupy land, with or without planning permission. Such matters will be referred to the local council or unitary authority;
- Illegal occupation of unoccupied buildings, i.e. squatting; such matters will be dealt with by the owner through the civil courts;
- Raves - where the matter relates to a rave, officers should consult D 0601 Procedure - Raves;
- Squatting in residential premises - Section 144 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 creates an offence of squatting in a residential building.

Working with our partners we will create safer communities and promote community cohesion by:

- Building confidence in all the communities we serve;
- Protecting the public against crime and anti-social behaviour;
- Gathering intelligence and assessing the effects of police and partner actions on local communities.

This procedure will ensure a consistent approach across all partner agencies in dealing with unauthorised encampments. It complies with the ACPO Guidance on Unauthorised Encampments and the findings published in 'Common Ground' by the Commission for Racial Equality. A flowchart is available to illustrate this process.

Local authorities, including Essex Police, have a responsibility to act in a manner that **fairly balances the rights and freedoms of all individuals concerned including Gypsies, Travellers and other local residents, ensuring any decisions are proportionate to the circumstances.**

The Equality Act 2010 makes it unlawful to treat an individual less favourably on the grounds of colour, race, nationality or ethnic or national origins. Following a nomadic lifestyle is lawful and is a culture that is recognised and protected through legislation. Romany Gypsies and Irish Travellers are protected under the Equality Act 2010.

PROCEDURE – Unauthorised Encampments

Number: D 0706

Date Published: 30 January 2014

Where occupants at unauthorised encampments are victims of crime or anti-social behaviour, they must be given access to services in the usual way. If there is a perception that the incident is racially motivated then the matter should be dealt with in line with force policy.

There is no legal right to trespass and the law provides a wide range of powers to remove people who are unlawfully on land. The establishment of any unauthorised encampment can raise many concerns with the landowner and neighbouring members of the settled or business community. Any decision to evict must be lawful, necessary and proportionate if it is to comply with the legislation outlined above.

It is essential that any police response properly takes account of the behaviour of all involved, whether this is criminal, anti-social or nuisance behaviour, in combination with any impact on the landowner and the local community.

Police powers to evict people from unauthorised encampments are embedded within Sections 61 and 62 A-E, CJPOA 94.

These powers are discretionary and can be used where behaviour or conduct is considered to be unlawful, inappropriate, or where the impact of an encampment on others is deemed unacceptable. This position is consistent with all other areas of enforcement within the community.

In managing unauthorised encampments officers should be aware that in Essex there are a lack of pitches on authorised sites and there are no designated 'transit sites'; therefore, 62 A-E, CJPOA 94 will currently not be utilised in this force.

3.0 Risk Assessments/Health and Safety Considerations

There are no specific risks that arise from the implementation of this procedure. Each incident will have a degree of risk associated with the individual circumstances that are reported. Officers engaging with individuals who are part of an unauthorised encampment will be required to conduct a site assessment, part of which will include the assessment of any risk associated with the safety and welfare needs of those who remain within the encampment.

Officers or members of police staff will be required to conduct a dynamic risk assessment concerning their own personal safety, whenever they engage with the occupants of an unauthorised encampment; this will include the implementation of standard working practices to protect the safety of operational staff.

Where a decision is made to enter an unauthorised encampment to enforce the lawful eviction of the inhabitants, a full operational risk assessment will be required using form PERS52.

PROCEDURE – Unauthorised Encampments

Number: D 0706

Date Published: 30 January 2014

4.0 Procedure

4.1 Essex Countywide Traveller Unit (ECTU)

The Essex Countywide Traveller Unit (ECTU) has been established to provide a key role in dealing with all matters relating to Gypsies and Travellers, including all unauthorised encampments, the management of permanent sites provided by the local authority and the provision of health, education and fire safety services. The ECTU is managed by the unit manager and operates from County Hall, Chelmsford, between 0800-1700 hours, Monday to Friday.

Between these times the ECTU constable should be asked to attend any incident involving unlawful encampments. Although based centrally they will endeavour to attend all encampments across the County within the hours above. The ECTU constable is contactable on Ext: 489065 or mobile 07854 064258 and call sign XD 650.

Incidents that occur outside the ECTU hours of operation will be attended by local police officers for assessment and a decision as to any action required. If immediate action is not required the matter may be referred to the ECTU for subsequent attention.

In accordance with guidance issued by the Department for Communities and Local Government, the relevant local authority will be the lead agency for unauthorised encampments. The ECTU will act on behalf of the landowner or Local Authority in managing any communication with the members of the unauthorised encampment.

4.2 Initial Report

A STORM incident log will be created for each unauthorised encampment notified to the police. This incident will be used to record the following:

- Any calls from the public relating to the encampment;
- Any calls from the occupants of the encampment;
- Any incidents directly attributable to the occupants of the encampment.

It will be the responsibility of the Force Control Room supervisor to ensure that this incident is tagged as 'Unauthorised Encampment' and should be brought to the attention of the ECTU constable and the Local Policing Area Commander. The Command Team will have oversight of the management of such incidents.

The ECTU constable will attend the encampment and make a primary assessment of the site. Where unavailable another unit will be allocated to respond and assess.

If the ECTU constable is not on duty the most appropriate unit will need to be allocated for attendance. The incident will then remain open pending an update from the ECTU.

PROCEDURE – Unauthorised Encampments

Number: D 0706

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4.3 Scene Assessment

Officers or staff initially attending the scene should:

- Begin a dialogue with members of the encampment to determine the following:
 - The full identify of any individual granting permission for them to be present on the land;
 - The identity of all occupants including the number of adults and children present;
 - Identify any immediate welfare needs;
 - Full details of all vehicles and caravans;
 - The location of their last site;
 - The duration of their intended stay;
 - The identity of a representative to act as a point of contact;
 - Serve the code of conduct (form C129) on the representative, together with a suitable verbal explanation of the type of conduct that will be classed as unacceptable and which will have the potential to lead to their eviction from the land. If a representative is not identifiable, it is advisable to serve the code of conduct on all occupants of the unauthorised encampment;
- Identify the landowner or their agent and obtain their name, address and telephone number;
- Gather evidence to identify the point of entry and any offences committed to gain entry, i.e. criminal damage;
- Takes steps to preserve any evidence, e.g., photographing the site, and consider requesting the attendance of a scenes of crime officer (SOCO);
- Complete an Initial Site Assessment form C125.

Once complete, a copy of form C125 will be emailed to the ECTU constable to allow further action to be taken. Original copies of the form will be forwarded to Neighbourhood Policing Command, for the attention of the ECTU constable.

Landowners should be advised that reasonable steps must be taken by them to ask the trespassers to leave before police powers can be used and a record should be made of when this has been done.

4.4 Senior Officer On-Site Assessment

Legislation requires the most senior officer present at the site to make an assessment concerning the eviction of the unauthorised encampment. The ECTU constable will be the senior officer present in most cases and will complete form C126 Eviction Rationale, detailing the rationale for any decision to evict and providing a clear audit trail. The decision will then be communicated to the District Commander or LPA lead. This is to provide oversight and to ensure that District leads are clear on the rationale for the use / non-use of police powers and to provide additional support to the decision maker.

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When available the ECTU constable forms an important part of the decision making process. Through their expertise and knowledge they are able to determine whether it is proportionate and necessary to use police powers under Section 61 of the CJPOA and will provide a lead role with regard to eviction and subsequent legal action.

Where the ECTU constable is unavailable, an officer not below the rank of Inspector will attend the site. The Inspector will be required to make an overall assessment to determine whether an urgent eviction is required prior to the attendance of the ECTU constable at the next available opportunity. In deciding whether an urgent eviction is required, the Inspector must have due regard to the eviction criteria detailed at section 4.5 and must be sure in their own mind that such action needs to be taken before the return to duty of the ECTU constable.

Prior to any police powers being used to evict the occupants, the senior officer on site will inform the Duty LPA Commander, if unavailable, the Duty Silver Commander.

It is recognised that the impact of encampments can change over time; consequently there will be a need for on-going engagement and assessment to effectively manage these sites. In the first instance the ECTU constable will maintain responsibility for site assessment and reviewing the use of police powers. Any change in circumstances should be communicated to the District or LPA leads.

Where the ECTU constable is unavailable the responsibility for on-going assessment will revert to a local Inspector.

There may be occasions where there is a difference of opinion over the apparent impact of an encampment on the community and the associated use of police powers. In these circumstances the decision should be referred to the Silver Commander for assessment and adjudication.

An aide memoire form C127 provides further advice and guidance regarding the scene assessment and eviction rationale.

4.5 Decision to Use Police Powers

If the decision is to utilise powers under Section 61 of the CJPOA 1994, then reasonable steps must be taken by the landowner to ask the trespassers to leave before police powers can be used (see form C130).

Any direction to leave must be given verbally and in writing (if practicable) whereby the senior officer on site would complete form C59 and ensure it is served on the occupants.

Once a final decision is reached, the original STORM incident should be endorsed with the outcome, including the use any police powers. A periodic review will be conducted by the Equality of Service Manager in conjunction with the Strategic Independent Advisory Group. Page 67 of 76

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The legislation relating to the use of S61 CJPOA is very clear and will be the primary factor in determining the use of police powers. The following factors must also be considered in addition to the legislation to decide whether it is proportionate and necessary to use the legal powers.

- **The community is deprived of local amenities, or there is a significant adverse impact on the environment**, e.g. forming an encampment on any part of a recreation ground, public park, school field, village green, or depriving members of the public the use of car parks. The fact that other sections of the community are being deprived of the amenities must be evident before action is taken;
- **There is local disruption to the economy**, e.g. forming an encampment on a shopping centre car park or in an industrial estate, particularly where it disrupts workers or customers. This would include agricultural land, especially where it disrupts the use of the land for its normal purpose;
- **There is other significant disruption to the local community or environment** which is considered so significant that a prompt eviction by police becomes necessary;
- **There is a danger to the life of any individual**: An example of this might be an encampment adjacent to a motorway, where there could be a danger of children or animals straying onto the carriageway;
- **There is a need to take preventative action**: This might include where occupants of an encampment have persistently displayed anti-social behaviour at previous sites and there is reason to believe the behaviour will continue;
- **There is a significant increase in local crime which is *attributable to the unauthorised encampment***. The allegation of a crime or identification of an individual suspect should not be grounds alone for consideration of a full group eviction.

The mere presence of an encampment without any factors listed above should not normally create an expectation that police powers will be used. This should be communicated to the public, landowners, local authorities and other agencies.

It should be noted that, where there are insufficient grounds for local authorities to take action, then Essex Police will not automatically consider using police powers to evict.

Further advice and guidance for applying this procedure can be found on the Neighbourhood Policing Command intranet site.

4.6 Decision Not to Use Police Powers

If the decision is to not utilise powers under Section 61 of the CJPOA 94, the landowner should be advised of the rationale and an update provided for the ECTU constable. The decision not to use police powers will be reviewed at regular intervals throughout the duration of the unauthorised encampment, taking into account the conduct of the occupants and the eviction criteria.

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Should the circumstances change, giving rise to a decision to evict, then the site must be re-visited by the ECTU constable or, in their absence, an officer of the rank of Inspector.

In managing the monitoring of the site the ECTU constable will ensure:

- Periodic visits by officers/staff are maintained to local residents and occupants of the site;
- The impact of the unauthorised encampment on all communities is monitored;
- Details are recorded of every additional vehicle/s that remain at the unauthorised encampment;
- Effective steps are taken to build community relations with site residents and also to identify community tensions;
- The details of any further incidents relating to occupants of the unauthorised encampment are documented within the original Eviction Rationale form C116.

This process will be overseen by the Local Policing Area Commander.

4.7 Retention and Disposal of Records

Documents mentioned in the above procedure will be retained in line with G 0833 Procedure – Retention and Disposal and will be retained by the ECTU constable within Neighbourhood Policing Command, HQ.

5.0 Monitoring and Review

All completed documents must be forwarded to the ECTU constable within Essex Police who will ensure that this procedure is complied with. A representative dip sample will be conducted periodically by the Equality of Service Manager.

This procedure will be reviewed after one year, by or on behalf of the Chief Inspector, Neighbourhood Policing Command, to ensure that it remains up-to-date and fit for purpose.

6.0 Related Procedures

None

7.0 Related Policies

None

8.0 Information Sources

- Department for Communities and Local Government Guidance on Managing Unauthorised Camping



Equality Impact Assessment (EIA)

Title of function, policy, project or proposal (FPPP): Unauthorised Encampments

Date of Assessment: 22nd July 2011

Assessment Author:

Date of previous Assessment: N/A

Stage 1 – About the FPPP:

What are the aims and purpose of FPPP?:

- 1) To comply with the legislation and guidance in relation to unauthorised encampments. Unauthorised encampments are defined by the Government as “encampments of caravans or other vehicles on land without the landowner or occupier’s consent and constituting trespass. Unauthorised encampments fall into two main categories: those on land owned by the local authorities (highways, schools, public car parks etc), and those on privately owned land.
- 2) Ensure a fair and balanced approach across Essex police to dealing with unauthorised encampments
- 3) To manage unauthorised encampments in a transparent, efficient and effective way taking account of the potential level of nuisance for local residents and the rights and responsibilities of Gypsies and Travellers thereby increasing the confidence of all communities. ‘Management’ can be monitoring of a site (in relation to legal issues) if immediate eviction is not appropriate, or using section 61 provision to remove persons / vehicles if necessary (in relation to the definitions of the law).

What policies / procedures / guidance are relevant to this FPPP?

Government six monthly site surveys
 Essex Police unauthorised encampment statistics
 DETR – Managing Unauthorised Encampment – A Good Practice Guide
 ODPM, ACPO and HO guidance on managing unauthorised encampments
 Scanning of internet and media reporting of Gypsy Traveller issues

Outline the FPPP and describe how discretion may be applied

This procedure addresses the issues surrounding the decision making process to make it more consultative and transparent. Police powers which can be employed are contained mainly within the Criminal Justice and Public Order Act 1994.

The procedure will institute an audit trail of the decision making process, for example: completing an initial site assessment and an eviction rationale record. This will not only allow for responsibility and rationale for the various parts of the process to be seen but will also make it easy to identify and disseminate good practice. It will also make considerations that should be taken into account before such decisions are made.

All Police decisions and actions must be made in compliance with the provisions of the Human Rights Act 1988. Any action should only be such as is necessary for public safety, the prevention of crime or disorder, the protection of health, or for the protection of the rights and freedom of others.

All Police actions should be conducted in a manner compatible with the operational principles of safety, lawfulness, necessity, proportionality and common humanity. Actions should be completed in a manner that is the least intrusive to achieve the purpose. It is necessary to achieve a balance in the protection of the rights and freedom of all persons concerned with the unauthorised encampment.

Stage 2 Consider the evidence

Who is affected by this FPPP and how?

Anyone setting up and Unauthorised Encampment, Gypsy and Traveller communities, Police Service, Local authorities, Race Equality Partners and Independent Advisory Groups, settled communities.

What relevant quantitative data has been considered?

There is no data available about the number of unauthorised encampments that Essex Police has previously had dealings with. A specific piece of research, to identify police response to unauthorised encampments in a two month period between 1st July 2010 and 31st August 2010 showed 142 incidents of trespass of which 66 incidents relating to Gypsy & Traveller unauthorised encampments, not all requiring section 61 usage. Where section 61 had been used the research identified inconsistency in usage.

What relevant qualitative data has been considered?

In Essex Police experience, unauthorised encampments tend to be, but are not exclusively, in relation to Gypsies and Travellers. There is a lack of data about the number and make up of travelling people across the country or specifically in Essex. Significant work has been undertaken in response to the requirement on local authorities to assess the housing needs of Gypsy and Traveller communities. This shows a shortage of both permanent and transit sites across the UK.

Who has been consulted (internally and externally) to assess the impact of this FPPP, how they were consulted and give a summary of the responses:

Strategic Independent Advisory Group
Essex County Council Gypsy and Traveller Services

Does any specific research need to be commissioned / undertaken to inform this assessment? e.g. user surveys, focus groups. If so, what and who will arrange?

N/A

Stage 3 Assessing the impact

Explain the different impact of this FPPP on service users (positive and negative), as suggested by data / consultation in respect of:

a)Age: Older people, youth, children:

Where a forced eviction is appropriate the immediate impact may be additional stress on older or younger people involved and may affect access to education and healthcare if there is no immediate long term alternative site available.

b)Disability (including physical, sensory and learning disabilities, mental illness and Specific Learning Difficulties):

Various national studies evidence disproportionately higher levels of ill health/ mental ill health and chronic diseases in Gypsy & Traveller communities compared with settled communities. Access to healthcare may be impacted on a wider front.

c) Gender and transgender:

There is no data to identify if previous use of this FPPP has impacted differently on men or women. The FPPP will be applied equally to men and women in respect of the legal criteria.

d) Race (including Gypsies and Travellers) and nationality:

As stated previously, unauthorised encampments are generally more prevalent in Gypsy and Traveller communities because there is a lack of both temporary and permanent site provision in the UK. This when coupled with action to remove people from unauthorised encampments has the effect of actually increasing the number of such encampments as people are forced to find new sites to camp having been removed from their old ones. Roma Gypsies and Irish Travellers are recognised in UK case law as being protected races and it is necessary to ensure they are not treated disproportionately.

The use of the Unauthorised Encampment process can have the effect of denying people access to health care, education, employment and potentially the voting process.

Police are seen by many Gypsies and Travellers as supporting eviction processes and to lack objectivity in the way in which they exercise their powers. This contributes to a lack in confidence in the perceived willingness or ability of Police to respond effectively to Gypsy and Traveller issues. This in turn contributes to underreporting of hate crime directed against Gypsies and Travellers.

e) Faith and / or culture:

No specific implications re Faith or Culture from application of this FPPP. It should be noted however that travelling communities generally have very strong family bonds which are strong cultural features. The implications of breaking up family groups will have strong impact.

f) Sexual orientation

No specific implications re sexual orientation

g) Other social factors e.g. carers, homeless people

Stage 4 Way Forward

Can any different impact as described at a-g above be justified and if so why?

As stated, most unauthorised encampments do tend to involve Gypsy and Traveller families, which can therefore realise a disproportionate impact in the overall use of the FPPP. Such impact will be justified as long as the legal criteria are met and full consideration is given to the situation including Human Rights issues.

Describe any changes that could / will be made to reduce / eliminate any different negative impact as at a-g above:

This policy addresses the issues surrounding the decision making process to make it more consultative and transparent. It institutes an audit trail of the decision making process. This will not only allow for responsibility and rationale for the various parts of the process to be seen but will also make it easy to identify and disseminate good practice. It will also make considerations that should be taken into account before such decisions are made.

Describe how the FPPP promotes good relations:

Helping those involved in unauthorised encampments to understand the law will hopefully help any situation where the process has to be used. The procedure sets out a framework for officers to effectively manage issues relating to unauthorised encampments. It is designed to engage all other agencies at an early stage including representatives of the travelling community to

properly assess and manage the impact of any eviction process. In addition, the policy promotes a Code of Conduct to improve relations between all communities in order to minimise the use of police powers.

Itemise any recommendations from this review which will improve the effectiveness / fairness of delivering this FPPP , describe how they will be actioned, who is responsible for delivering the action and the timescale:

The effectiveness and fairness of the unauthorised encampment policy and procedures should be subject of continual monitoring by Command Teams with dip sampling by the Equality of Service Manager/ Independent Advisory Group and periodic oversight by the Force Equality Delivery Group.

Working with partners to ensure usage of the FPPP is minimised

Stage 5 Monitoring Arrangements

Describe how the FPPP is monitored or will be monitored if it is not currently:

The effectiveness and fairness of the unauthorised encampment policy and procedures should be subject of continual monitoring by Command Teams with dip sampling by the Equality of Service Manager/ Independent Advisory Group and periodic oversight by the Force Equality Delivery Group.

Stage 6 Publication

Have the outcomes been fed back to those consulted?

DIVERSITY UNIT: Assessment agreed for publication or further work needed?

Signed Ian Carter

Date 27th July 2010

Date forwarded to website manager for publication:

