

AGENDA ITEM 6

Report title: Proposals on ECC's future role in relation to services provided by ECC to Gypsy, Roma and Traveller communities in Essex.		PSEG/07/20
Report to: Place Services and Economic Growth Policy and Scrutiny Committee		
Date: 25/06/20	For: Discussion	
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County Divisions affected: All Essex		

***Please note** that this report has a confidential appendix which is not for publication as it includes exempt information falling within paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended.*

1. Purpose of Report

- 1.1 This report is a briefing paper in advance of a Cabinet Report which is scheduled to be considered by Cabinet on 21 July 2020. This report sets out the future role of Essex County Council (ECC) in supporting the Gypsy, Roma and Traveller (GRT) communities within Essex.
- 1.2 There is evidence to suggest that the GRT community experience various inequalities, in terms of accessing key services with a propensity to experience ill health, lower life expectancy and educational attainment.
- 1.3 It is proposed that ECC's best role in supporting the GRT community is one of reducing the inequality of outcomes, particularly within health and education, and no longer directly providing travellers sites. This is commensurate with ECC strategic priorities of improving outcomes for the people of Essex and supporting those who are vulnerable and at risk of not achieving good outcomes.
- 1.4 With the intention of addressing the inequality of outcomes for the GRT community in Essex, whilst achieving the best strategic fit of service provision, this report will ask Cabinet on 21st July 2020 to agree to ECC divesting itself of the 11 ECC owned and one leased GRT sites.
- 1.5 Essex County Council no longer has a statutory duty to provide the sites.
- 1.6 The sites provide a substantive contribution to lower tier Local Authorities' traveller pitch provision, and lower tier Local Authorities are keen that this pitch provision continues.

2. Draft Recommendations to Cabinet

- 2.1 That ECC divest itself of the 11 owned and one leased site, through sale and through entering into negotiations regarding the leasehold site, to a third party or parties to own/lease and manage the Gypsy and Romany Traveller sites currently run by ECC.
- 2.2 That a two-stage competitive process be held to dispose of the sites where ECC owns the freehold with the selection/evaluation criteria being in Section 3 below with the Director, Capital Delivery being authorised to select the winning bid.
- 2.3 That Colchester Borough Council be involved in the selection process at Severalls based on the same criteria with a view to the lease being assigned or surrendered and re-granted by Colchester BC.
- 2.4 That the sites be sold on terms as set out in this report but specifically that they remain as GRT sites for a term of at least 25 years, or for the duration of the current or emerging Local Plan in the district, with the Director, Wellbeing and Public Health being authorised to determine the length.
- 2.5 That sites are sold with a covenant limiting the use as a travellers site and not for any other use requiring planning consent. An overage clause of 50% payable to ECC on future sale, change of use, extension or re-development for a period of 25 years from the date of transfer. This is indicative based on Officer discussion on previous transfer of ECC assets.
- 2.6 That with the divestment of the sites, ECC prioritises its role to one of reducing the inequality of outcomes, for Gypsy and Roma Travellers in Essex. This will be achieved through continuing with a specialist team - the Essex County Traveller Unit (ECTU), that is hosted by ECC, co-ordinating a broader overall outreach and advocacy programme with other agencies such as the NHS and Public Health England.
- 2.7 That the ECTU joint committee agreement continues in its current form to ensure a co-ordinated countywide enforcement and welfare response to Unauthorised Encampments (UEs) across Essex, subject to partners continuing to financially contribute towards service provision.

3. Summary of issue

- 3.1 The ECTU was established in 2012 and is a partnership operation, hosted and led by ECC working under a joint committee and funded by its members' contributions. The members currently comprise 10 Essex Local Authorities and one Unitary Authority. Essex Police and Essex Fire and Rescue also form part of the partnership alongside various ECC services.
- 3.2 The ECTU was established to address significant inconsistencies in policies and lack of co-ordination in the management of unauthorised encampments

across Essex, and to provide an outreach service that works with GRT families on ECC owned and private sites. It also undertakes centralised management of unauthorised encampments on local authority land or the highway on behalf of its members.

- 3.3 GRT communities experience significant inequalities in access to key services including health, education, social care and fire safety support though being a highly vulnerable, difficult to access group. GRT communities tend to have a propensity to experience ill health, lower life expectancy and educational attainment. The most recent GRT Health Needs Assessment (2018) reinforces the point that the GRT community often experience ill health and a lower life expectancy. This poorer health is due to many physical, environmental, cultural and psychological issues, and mental health needs may well be significant, like those from other vulnerable groups such as the homeless.
- 3.4 Evidence has also shown that members of the GRT community are often reluctant or unable to access services successfully – again, due to many cultural, social and logistical reasons, both within and beyond their communities. Travellers spoken to as part of the preparation of the Health Needs Assessment were largely happy to use the locally provided health services and did not want to use ones just for them. They did however often have considerable practical and cultural barriers that made deciding to access, and effectively navigating, those general services more difficult. Education outcomes is another area where outreach and advocacy are needed to support reducing the outcome gap compared with non GRT pupils.
- 3.5 The outreach and management of unauthorised encampments functions well as evidenced through twice yearly performance reporting to the ECTU Joint Committee. ECTU's outreach service continues to address those issues in facilitating the initial access to these key services with a view to continuation of access once established. A sample of achievements from 2016 to 2020 are given below:

Health - outreach to over 100 Gypsy/Travellers on primary immunisations and flu jabs – 400 families supported to register with a GP/confirmed GP registered, 53 people identified /supported with long term conditions

Education – 905 children supported into school – primary and secondary, 113 young people supported into further education /apprenticeships.

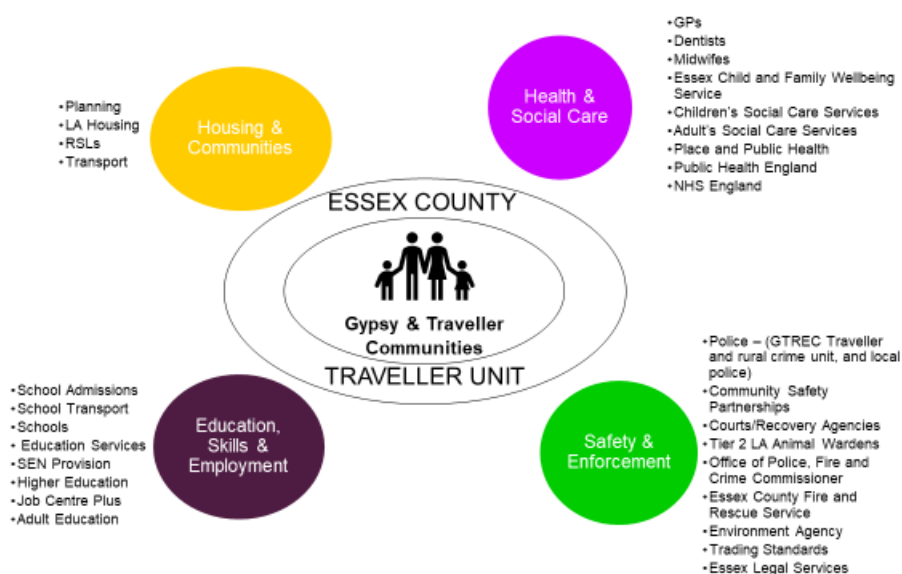
Fire Safety – 601 home fire safety visits completed, 556 smoke alarms issued, 339 site fire safety visits.

Unauthorised encampments – there have been a total of 1254 known encampments across Essex of which 745 were managed by ECTU on behalf of its members. From those that were managed by the ECTU 90.23% were visited within 1 working day of arrival, 295 left via

negotiation, 98.75% of the remaining were moved via the court systems within 10 working days, 93.75% within 7 working days.

- 3.6 ECTU successfully deals with encampments in a sustainable and appropriate way and continues to meet a need. Outreach and advocacy work are limited by capacity and management capacity is slightly biased towards those residing on sites, who may not be those in the greatest need. Capacity is additionally limited because the management of ECTU also manages travellers sites, as described later in the report. Although the sites have dedicated site management staff, outreach workers spend time assisting travellers who reside on site. This is likely to have to continue regardless of who owns the sites. This means that ECTU management resources which could be invested across the wider 2,000 population of Travellers in Essex are not because of a focus on site ownership and management which is based on the need for ECC to manage the travellers sites.
- 3.7 It is proposed that Essex GRT resources are instead focused on improving outcomes for Travellers which is based on a forward strategy. An outline of such agencies and stakeholders is given in the diagram below:

Essex Gypsy and Traveller Stakeholder Map



- 3.8 The ECTU is well placed to lead on the co-ordination of a broad integrated programme of work delivered across a range of commissioning responsibilities and by a number of different agencies. This could include both a strong engagement function first, and a subsequent programme of health and/or education outcome related interventions. This is in keeping with the 2018 GRT Heath Needs Assessment recommendation that there should be a) increased awareness and collaboration between professionals and organisations that work with Travellers to deliver outcomes in a systematic way b) introduction of more and specific health related goals and outcomes within ECTU's strategy,

building delivery and achievement into the unit's work plan though engagement with stakeholders, to provide capacity and monitor outcome delivery.

- 3.9 Continuation of hosting of the ECTU by ECC also provides a useful advisory role for areas of ECC and wider Essex public sector. The publication in April 2019 of the Parliamentary Women and Equalities Committee Report recommended that "senior leaders in all public service bodies be trained in the Public Sector Equality Duty and that each body have a Gypsy, Roma and Traveller "champion", similar to the role that exists in the National Police Chiefs Council." Retaining the considerable GRT expertise in house enables ECC to evidence not only that there are GRT champions, and also that policies developed by ECC can be subject to useful peer challenge from a team with the specialist expertise needed to inform the right approach.
- 3.9 Aside from ECC's lead role in the ECTU, ECC manages 11 owned and one leased GRT sites throughout Essex providing a capacity of 188 pitches. Of these 174 are currently habitable and occupied. These sites are managed as part of the ECTU operation, with some shared resources and joint roles but operate independently of the ECTU membership with a separate budget. ECC's ownership of these sites has arisen because until 1994 ECC was under a statutory duty to provide sites. The list of sites and locality is given below:

Site	District	Total Number of Pitches	ECC's Ownership
Hovefields	Basildon	25	Freehold
Ridgewell	Braintree	12	Freehold
Sandiacres	Braintree	14	Freehold
Cranham Hall	Chelmsford	10	Freehold
Ladygrove	Chelmsford	12	Freehold
Severalls	Colchester	12	Lease
Hop Gardens	Epping Forest	16	Freehold
Elizabeth Way	Harlow	21	Freehold
Fern Hill	Harlow	23	Freehold (subject to a covenant in favour of Homes England)
Brick House	Maldon	6	Freehold
Wood Corner	Maldon	20	Freehold
Felsted	Uttlesford	17	Freehold

- 3.10 Each pitch is held by a resident under a formal signed licence agreement. and is governed by the Mobile Homes Act 1983. Site residents generally have the right to remain in occupation for life or until such time as they voluntarily vacate the pitch or, are evicted through an order of the courts due to a breach of the licence agreement.
- 3.11 The sites are generally managed well but some experience, as with other Local Authorities managed sites, a range of specific, periodic issues that include anti-social behaviour, criminality, licence breaches, property damage, and fly tipping. Such issues can cause disharmony amongst residents of the sites and between the settled and GRT communities. We work to address such issues within given powers and in collaboration with the Police, and other Local Authorities as appropriate. However, where issues arise this can require

intensive management and in addition to site managers include the resources of the wider ECTU team and ECC management to resolve. In addition, ECC may incur expenditure to resolve such issues, which means that there is less money for general site maintenance. For example, during the financial year 2019/2020 £83,000 was spent on ad hoc waste clearance and prevention measures and £175,000 on static site security. The ECTU team and wider management resources could be better deployed on contributing to the improvement of outcomes for the wider GRT community across Essex, of approximately 2,000 people rather than addressing time consuming and often protracted localised site management issues.

- 3.12 The travellers site team does not have a capital budget and general basic operating repairs and maintenance are undertaken from revenue streams. Where capital investment has been undertaken, namely in the new build of Severalls site or re-instating of pitches at Fern Hill, funding has predominantly come from external grant bodies e.g. Homes England. There are currently no planned capital schemes for 2020/21 or future years. The controllable revenue budget for the sites for the current year and the projected budget for the service for future years can be seen below:

	Current Budget	Projected Budget (000's)		
	2020/21	2021/22	2022/23	2023/24
Expenditure	683	703	726	749
Income	(683)	(703)	(726)	(749)
Net site budget	-	-	-	-
Total ECC Net Controllable budget	267	274	278	259

- 3.13 In September 2018 Lambert Smith Hampton, ECC's property consultants, were commissioned to investigate a programme of planned and periodic maintenance for the sites. Lambert Smith Hampton have recommended that work costing an estimated £2.9 million be spent across the sites over ten years with a recommendation of work costing an estimated £506,527 being spent in year 1. This contrasts with the maintenance budget for £235,465, meaning that over time it is likely that a backlog of maintenance will arise. This takes no account of other factors which may increase the need for repair, for example, nine pitches on the Felsted site have recently become uninhabitable owing to antisocial behaviour. The maintenance budget for 2020/21 is £235,465 and the recommended expenditure exceeds this with no other funding identified within year or within future years budget. A summary of the recommended maintenance expenditure for all sites, over a 10-year period is given below.

Year 1	Year 2	Year 3	Year 4	Year 5	Years 6-10
£506,527	£663,904	£277,292	£243,707	£532,332	£673,298

- 3.14 The sites are run on a break-even basis. Around 66% of the sites' income comes directly from housing benefit and universal credit. We collect rent from those not eligible for benefits and water charges from all. The income collection operation collects around 95% of charges due. However, as similarly

experienced across the social housing / landlord sector, arrears occur. As of June 2020, outstanding arrears are £95,408 for site licence fees and £17,672 for water. The current COVID 19 situation has exacerbated arrears. Debts are attempted to be recovered and residents supported to pay with formal (via court orders) or informal management plans in place. Debt can particularly impact upon maintenance, as maintenance budget reduces with the availability of funds.

- 3.15 If the sites were sold then outreach could benefit by management time being freed to focus on outreach . At present 30% of the ECTU manager's post is charged to site management. Without the sites he could spend 100% of his time on supporting the wider GRT community rather than site management
- 3.16 Divesting is not incompatible with ECC's overall housing activities where there is a focus on improving outcomes for more vulnerable groups, rather than ownership and management of the homes in which they live. One example of this is where Essex Housing build apartments for people with Learning Disabilities and sell these buildings to Registered Providers, with ECC retaining the rights to nominate residents into the schemes.
- 3.17 District Councils are responsible for preparing a local plan to meet the housing needs of their districts, which includes sufficient provision for GRT community. Retention of the sites for GRT people is needed by districts to evidence that sufficient provision has been made. Discussion to date suggests that district councils have no objection in principle to ECC disposing of the sites, provided that due consideration is given to effective ongoing management. ECC is not able to guarantee that sites disposed of will remain in use as GRT sites indefinitely post sale, but will make all reasonable efforts, working in conjunction with districts, on any future site-specific sale agreements and appropriate title restrictions to ensure as far as possible that existing occupants' rights on the sites are protected.
- 3.18 Regardless of who owns the sites going forward, good site management is critical, and we will ask that joint management plans to collectively solve complex challenges should be considered by site owners and other local stakeholders such as tier 2 authorities and, if necessary on case specific basis, Police and the Essex Fire and Rescue Service. For example, in a minority of sites where there is criminal activity or antisocial behaviour a joined-up approach between the site owner, upper and lower tier local authorities and the police can ensure a good balance between engagement, welfare and enforcement functions. ECC has been proactive in instigating such joint management plans with other partners in the minority of sites where this is needed, and it is the expectation, but not a requirement of any sale that such joint working practices continue. ECC's role in such plans will be one of contribution, through the ECTU and working with wider partners, to improving outcomes as all site management responsibilities will cease once all sites have been disposed of.
- 3.19 No consultation with site residents has been undertaken. Consultation would be required if an option is chosen which has a significant impact on residents but the Council will require any purchaser to use the sites as a travellers site

and not risk their continued residence on sites. As a condition of disposal, it is proposed that buyers be required to use the sites as gypsy and traveller sites for a period of 25 years from the date of transfer, subject to discussion with other stakeholders on a site-specific basis.

3.20 It is proposed that in addition to the above restriction the following terms would apply to the freehold sales:

- A covenant requiring the owner not to cause or permit any nuisance on the site
- Overage provisions lasting for 25 years so if the site is re-sold or developed then 50% of the overage is paid to ECC
- Requirement to produce a site management plan

3.21 A risk register would be maintained for the site selection and disposal process. The risk log shall be dynamic and overseen by the Head of Service in consultation with the Cabinet Member. Such risks shall include but are not limited to:

- opposition to the proposal from residents and local community groups affecting the reputation of the County Council
- complaints from local residents and site residents if the future management of the sites is not of the expected standard and the County Council is perceived to have abdicated responsibility.
- complaints from local residents and site residents if the future management of the sites is poor, with the County Council having to resolve issues from its own resources.
- site residents receiving a worse service under the new ownership and that existing residents' rights of occupation are eroded.
- site residents vacating the sites and requesting housing placing pressure on districts and boroughs and potential increase in unauthorised encampments.

3.22 It is proposed that in taking forward the proposal to divest of the sites, the disposal process would include due diligence at all stages in determining the selection of 'fit and proper' future site owner(s). It is proposed that this is a two-stage process with the first stage being open to everyone to submit expressions of interest pre-qualification with those meeting the criteria being invited to proceed to submit a formal tender at the second stage.

Assessment Criteria	Criteria
Stage 1: Preselection (Pass in all areas is mandatory)	
Business and Professional standing <ul style="list-style-type: none"> • Convictions • Bankruptcy /insolvency/ compulsory winding up/ receivership • Failure of obligations to pay taxes/ social security. • Legal or administrative finding of an act of grave misconduct in the course of business 	Pass/Fail
Financial Standing	Pass/Fail

<ul style="list-style-type: none"> • Provision of statement of turnover, profit & loss, cash flow, audited accounts. 	
Competency & Track Record <ul style="list-style-type: none"> • Evidence of experience in managing traveller sites or social housing or equivalent business sectors. • Identification of References 	Pass/Fail
Business Practices <ul style="list-style-type: none"> • Management of Health & Safety • Environmental Management • Equalities 	Pass/Fail

3.23 Those passing at the first stage would be invited to submit a formal tender at the second stage when formal bids will be invited. The proposed award criteria are below. We have sought to maximise the weight given to quality but it should be noted that the Council's ability to enforce quality in tenders will be limited after the transfer has taken place. It is therefore crucial that as much of the quality as possible is assessed at stage 1.

Tender criteria	Max score
Lettings Policy, Procedure & Management <ul style="list-style-type: none"> • Allocations • Compliant handling • Repairs and maintenance • Treatment of licence fees/ utility charges • Compliance to Mobile Homes Act 1983 • Asset Management Plan / investment intentions 	10
Anti-Social Behaviour Strategy, Policy and Procedures <ul style="list-style-type: none"> • Complaint Handling • Intervention & Enforcement • Partnership working. 	10
Welfare Policies & Procedures <ul style="list-style-type: none"> • Debt management • Welfare support • Partnership working and accessibility to residents– Essex County Wide Traveller Unit outreach. 	10
Acceptance of Terms of Transfer (Pass / Fail) <ul style="list-style-type: none"> • Confirm acceptance of restrictions/ covenants • Appropriate plans for dealing with TUPE and Pensions issues 	
Appropriate supporting references (Pass /Fail)	
Price score	70

3.24 In event of no initial sale or a sale of only some of the sites, ECC will continue to manage the sites whilst disposal of the sites is progressed further. If it becomes apparent that disposal of the sites is unattainable in the short to medium term then ECC's provision of site management shall be reviewed and shall be subject, as determined by any outcome of any review, to further decision making.

4. Options

4.1 Option 1 – Do nothing and continue with current operations for both ECTU and ECC owned/leased sites.

This is not a recommended option as ECC's role is not as a social landlord and a better role is for ECC to focus on improving outcomes for the wider GRT communities across Essex, which would not improve unless additional effort is invested in the co-ordination of delivery of a broader outreach programme that encompasses the contribution and role of other agencies and stakeholders. Improving outcomes aligns well with ECC's strategic priorities. Maintaining ownership and management of the sites would not be congruent with ECC's overall housing activities where there is a focus on improving outcomes for more vulnerable groups, rather than ownership and management of the homes in which they live.

4.2 Option 2 - ECC divests itself of the sites based on current use (Recommended Option)

Recommended option being that ECC divests itself of 11 traveller sites by freehold transfer and the 1 leasehold site through negotiation with the lessor. Whereby the sites remain as GRT sites for an agreed term with appropriate protections applied such as restrictions in use and overage clauses specific to the individual circumstance of each site. In addition, existing residents to have the same future rights of occupation as they have now.

4.2.1 Upon divestment of the sites the ECTU/ ECC concentrates its efforts on:

- co-ordinating a better collective offer from internal ECC functions and external partners, including Public Health England and the National Health Service to improve outcomes for the wider population for the GRT communities across Essex.
- Continuation of ensuring a joined-up approach across Essex stakeholders with effective enforcement, management and welfare considerations associated with unauthorised encampments

4.2.2 Option 2 is commensurate with ECC's strategic priorities as well as adding value to the collective GRT work in Essex by:

- co-ordinating collective commissioning and provision of a multiagency outreach and advocacy offer in recognition of GRT communities specific and unique characteristics.
- co-ordinating a consistent approach countywide approach to the welfare and enforcement function for UEs.

4.2.3 This option would not seek to invest effort into GRT which is disproportionate to other vulnerable groups or other group with protected characteristics. It is in recognition of the unique characteristics of the GRT community and the need to

undertake specific targeted, co-ordinated activity for successful outreach, advocacy, welfare and enforcement.

4.3 Option 3 - ECC disposes of the sites for commercial gain

It is not recommended that ECC sells the sites purely for commercial gain e.g. change of use. Lower tier Local Authorities who have planning powers would be reluctant to allow change of land use from traveller sites to alternative use as current sites are a substantive contribution to localised GRT pitch provision. Site sale for commercial gain would also create uncertainty for current site residents on their future homes, which is not commensurate with ECC's proposed best role of improving outcomes for GRT. In addition there are various covenants in place across the sites that restrict the use of the sites to that of GRT sites. Although remedies could be sought to remove such covenants this could result in protracted legal processes with no certainty of outcome.

5. Issues for consideration

5.1 Financial implications

5.1.1 These will be completed with the necessary approval for the July 21st Cabinet report. Factual financial details relating to current operations are provided in Section 3 above.

5.2 Legal implications

5.2.1 Essex County Council does not have a statutory duty to provide GRT sites and it is therefore lawful to sell them but it clearly needs to consider the benefit of doing so.

5.2.2 The Council will need to be aware that the Essex Police have enhanced powers under section 62A of the Criminal Justice and Public Order Act 1994 to deal with unauthorised encampments if they can direct travellers to a local authority site in Essex. If all the sites are sold there will no longer be local authority sites in Essex, meaning that the police will no longer be able to use section 62A. In practice however the police make very limited use of this power. We have consulted the Police, making them aware of this fact and no objection the proposal has been raised.

5.2.3 There would be no direct impact on the ECTU Joint Committee, except that the money released would be available for more outreach work by ECTU staff.

5.2.4 Clearly all property would be sold subject to current restrictions on title in addition to the restrictions etc which we would impose on sale. There are two sites which require further detailed consideration:

Severalls, Colchester

5.2.5 Severalls is leased on a 10 year lease expiring in April 2022. The lease cannot be assigned. It is therefore the case that any disposal will need to be of a leasehold site, subject to the agreement of Colchester BC. It is likely that the current lease will be surrendered or re-granted, or Colchester may choose to sell the freehold as part of the disposal process. We will engage with Colchester BC before making a decision..

Fern Hill Harlow

5.2.6 In 2016 Essex County Council obtained a grant of £607,000 from the Homes and Communities Agency (HCA) now Homes England for the reinstatement of pitches at Fern Hill, Harlow. As part of the funding agreement a restriction was placed on the Register of Title. When we sell the site we must either repay part or all of the grant or arrange for the purchaser to sign a new agreement with Homes England. We would not proceed with the sale of Fern Hill without reaching a suitable accommodation with Homes England.

5.2.7 Homes England have been approached and they have provided initial commentary on this clause. This is that if ECC sells the site to a Registered Provider of social housing then the grant would transfer across to that Registered Provider. However, if the buyer is not a Registered Provider, then there is a possibility the grant will have to be repaid. It is advised that ECC provides Homes England with full details of the proposal and buyer when known so that they can evaluate ECC's proposal against the agreement.

5.2.8 Under s.123 of the Local Government Act 1972 we must obtain the best consideration reasonably available unless we have the consent of the Secretary of State. The fact that we propose to take account of quality in the disposal means that we are not necessarily going to achieve best value. However it is likely that all sales will be in compliance with general consents issued under section 123.

5.3 Staffing Implications

5.3.1 In relation to the preferred Option 2 – divestment of sites – key considerations in relation to staffing implications are:

Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE)

5.3.2 There are 5.5 FTE employees who are principally involved in management of the sites and who would potentially be in scope to transfer to a new employer. Potential buyers will be asked to submit an assessment of the TUPE position and unless it can be agreed the sale will not proceed. The situation could be that employees would transfer to the buyer or that they do not in which case ECC will need to meet redundancy costs unless staff can be redeployed elsewhere.

5.3.3 Site managers manage more than one site, it is likely that TUPE would apply to all site managers if all sites are bought by the same person or organisation, but if they are sold individually or in groups then the position is likely to be more complex.

5.3.4 An important aspect of the staff transfer process, will be to review the proportion of work currently being undertaken by individuals in the team. This shall be undertaken pre-transfer to determine employee liability for prospective buyers as any under representation of this could hold risks if the bidder finds they have more employee liability than was indicated on the initial tender spreadsheet.

Essex County Council Pension Position

5.3.5 Pension liability does not automatically transfer via TUPE, although some aspects of pensions transfer.

5.3.6 It is proposed that any buyer(s) would be required, if possible, to maintain Local Government Pension Scheme (LGPS) for transferring staff. Whilst in previous transfers of other services we have been able to require continued availability of the LGPS for transferring employees, the position with the travellers sites is more complex in that the asset will transfer and ECC will no longer commission or have any accountability for service provision or any contract with the provider. It may therefore be the case that we are unable to give a buyer 'admitted body status'. If this is the case we will have to either decide to leave it to the buyer to make pension arrangements, which could be a basic stakeholder pension, or we could require the buyer to provide access to a broadly comparable pension scheme. This may be easier for some employers than others and may deter some potential purchasers. This is still being explored.

6. Equality and Diversity implications

6.1 The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires us to have regard to the need to:

- (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc. on the grounds of a protected characteristic unlawful
- (b) Advance equality of opportunity between people who share a protected characteristic and those who do not.
- (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

6.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, gender, and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).

- 6.3 The equality impact assessment indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a characteristic. The proposal seeks further to address the inequalities experienced by the GRT community through widening the work programme of the ECTU to attain better outcomes. The sites are to be divested, as a going concern, with protection sought to remain as traveller sites, with residents retaining the same rights to occupancy as they had under the ownership and management of Essex County Council

7. Session Aims

Members are asked to discuss the paper and proposals and provide feedback and recommendations.

8. List of appendices

- Appendix A - Equality Impact Assessment
- Appendix B – Confidential Appendix

9. List of Background papers

None