Essex Countywide Traveller Unit Joint Committee

11:00	**Monday, 28 November 2016**	**Committee Room 2, County Hall, Chelmsford, Essex**

Membership:
Acting Chief Fire Officer Adam Eckley
Superintendent Steve Ditchburn
Cllr Kay Twitchen
Cllr Mark Durham
Cllr Simon Walsh
Cllr Tina Bourne
Cllr Godfrey Isaacs
Cllr Paul Honeywood
Cllr June Lumley
Cllr Richard Bassett
Cllr Susan Barker
Cllr Anne Brown
Cllr Kevin Blake
Cllr Pauline Tolson

For information about the meeting please ask for:
Ian Myers – Senior Committee Officer
Telephone: 03330134575
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 for Absence**	
2	**Minutes and Matters Arising** To confirm the minutes of the meeting held on 14 July 2016 and matters arising not covered in the agenda	5 - 10
3	**Declarations of Interest** To note any declarations of interest to be made by Members in accordance with the Members' Code of Conduct	
4	**Finance and Audit Report** To receive a report from Sarah Broadley, Finance Business Partner	11 - 28
5	**ECTU Membership Status** To receive an update from Steve Andrews, ECTU Manager	
6	**High Level Risk Assessment** To receive a report from Steve Andrews, ECTU Manager	29 - 30
7	**Operations Performance Update - key issues** To receive a report from Steve Andrews, ECTU Manager and **Transit Site Update** - to receive a report from Paul Ashworth, Business Lead for Delivery Transitions	31 - 50
8	**Private Enforcement Proposal** Options to be discussed and agree potential for progression	51 - 56
9	**Date of Next Meeting** To discuss the frequency of future meetings of the Committee	
10	**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.

11 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 COUNTY HALL, CHELMSFORD AT 10:00AM ON 14 JULY 2016

Members of the Committee present:

Cllr Kay Twitchen	Essex County Council
Cllr Susan Barker	Uttlesford District Council
Cllr Paul Honeywood	Tendring District Council
Superintendent Steve Ditchburn	Essex Police
Dave Bill	Essex County Fire & Rescue Service

Also present was:

Steve Andrews – Essex County Council
Sarah Broadley – Essex County Council
Jim Nicolson – Thurrock Council
Colin Batchelor – Braintree District Council
Martin Howlett – Rochford District Council
Tony Howard – Essex County Fire & Rescue Service
Tim Clarke – Tendring District Council
Ian Myers – Essex County Council
Angela Slater – ECTU
Alec Baker – ECTU
Ewen Pearson - ECTU

1. Welcome and Apologies for Absence

Councillor Twitchen opened the meeting and welcomed everyone.

Apologies were received from Councillor Anne Brown and Jane Gardner

2. Election of Chairman and Vice-Chairman

It was proposed, seconded and unanimously agreed that Cllr Twitchen be elected Chairman of the Committee and Councillor Susan Barker as Vice-Chairman.

3. Minutes and Matters Arising

The minutes of the meeting held on 29 October 2015 were approved as a correct record and signed by the Chairman.

4. Declarations of Interest

The Chairman requested that Members declare an interest as and when appropriate.

5. Finance and Audit Report

The Committee received a financial report from Sarah Broadley, Finance Business Partner, ECC. The purpose of the report was:

- To note the Annual Return requirements have changed for the 2015/16 financial year.
- To receive the 2015/16 outturn position and proposed budget for the 2016/17 financial year.
- To note the ECC internal Audit costs that are expected to be 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 and the management letter issued without the need to reconvene the full committee before the end of September 2016.

Members received a detailed presentation and **noted** the following:

- Employee costs have increased from 2014/15 to 2015/16 by 6% due to a new apprentice
- There has been a decrease in 'Supplies & Services' of 53% from 2014/15 to 2015/16 mainly due to one off IT spend for a new database incurred in 2014/15
- There is £48,427 of unbudgeted Legal Costs incurred in 2015/16 relating to unauthorised encampments (Included in 'Supplies & Services')
- Partnership Contributions have decreased by 10% from 2014/15 to 2015/16 due to a 10% reduction to all membership contributions
- The draw down from reserves in 2015/16 was £16,822, leaving a closing balance of £66,798
- A drawdown was required as expenditure was more than income received
- The previously reported expected 2015/16 reserve position at year end (reported at the October 2015 meeting) of £124,396 was not achieved mainly due to the unbudgeted Legal Fees charged to the ECTU budget
- It was agreed at the Joint Committee meeting in October 2015 that the Essex County Council Gypsy & Traveller contribution and Public Health contributions are reduced by 10% to reduce the overall ECC contribution to ECTU from 73% to 71%.
- The 3 year proposed budgets include an assumed annual inflation on expenditure of 2% and 1% for Employees
- £20,000 has been included in the budgets for legal fees. Work is currently in progress to mitigate the problem families previously in Harlow, but now targeting other partner areas, which cause the majority of legal fees, therefor £20,000 is deemed sufficient at this stage
- Braintree DC, Brentwood BC and Chelmsford CC are all considering joining the ECTU. This would generate approximately £19,389 new income pro rata. This has not been built into the proposed budgets
- If the above 3 Authorities join, the unit would need to review the current staffing levels to ensure service delivery over an increased geographic area

- Financial advice is to actively pursue recruiting new members/revenue streams and to review the membership subscription fees for 2017/18, with a view to reducing future drawdowns from reserves.

The Chairman recommended the proposed budget be accepted and also requested that membership subscriptions be reviewed at the next meeting.

It was **AGREED** the report be accepted.

6. ECTU Strategy and Action Plan

The committee received an update from Stephen Andrews, Manager of the Essex Countywide Traveller Unit which focused on the Action Plan.

Members were updated and discussed the latest information and statistics relating to:

Unauthorised encampments

- S77's now completed within 7 working days
- The lobbying of parliament concerning the limitations of current powers is ongoing.
- Training for local Members and Officers to be provided

Fire Safety

- Detailed information sheets being produced for all sites
- Enhanced information sheets for high risk events to be produced
- Significant improvements being made ref access data for sites

Education

- The data was noted

Health

- The data was noted

Social Care

- No targets identified at present

Police

- Stephen Andrews and Supt Steve Ditchburn to discuss and agree performance measures.

Key Priorities

- On the recommendation of the Chairman, to better recognise the concerns of the settled community, Members **agreed** that key priority 4 *'Ensure a consistent and robust Essex-wide approach for the management of unauthorised encampments'* be moved to become key priority 2

7. ECTU Membership Status

The Committee received and **noted** the report from Stephen Andrews.

The Chairman stated her wish that other local authorities join the partnership in the coming months.

Stephen Andrews reported on early discussions with Braintree Council who have expressed an interest in the partnership. It was agreed an update be provided at a future meeting.

8. High Level Risk Assessment

The Committee received and **noted** the report from Stephen Andrews.

The Chairman agreed to contact all non-attendees prior to the next meeting of the Committee to encourage an improved attendance.

9. Operations Report including actions from Ops Board and Transit Site Update

The Committee received and **noted** the report from Stephen Andrews who commented in particular on:

Unauthorised encampments

- There are 14 at present moving around the county
- Similar issues reported by Suffolk and Norfolk
- The Chairman congratulated the team for their prompt site visits

Advice to private landowners

- It was noted private landowners have less constrained powers than local authorities hence the ability to remove encampments more promptly
- Members agreed that a discussion take place at the next meeting which should consider:
    - Signing up private landowners on an annual fee basis.
    - Offering a service on a pre encampment fee basis
    - Not offering a service

Fire Safety

- Data to be circulated to Members at a later date

Public Health

- The latest statistics were noted

Fly tipping

- Noted that rubbish collection is the responsibility of City/District/Borough Councils. Particular issues in Basildon at present.
- Two types – domestic and commercial
- The Chairman requested that local policies be shared and discussed at the next meeting

Members agreed to the request from Cllr Bassett, Epping Forest District Council, to attend future meetings of the Committee as an observer.

10. Date of Next Meeting

The next meeting will take place at 10.00am on Thursday 27 October 2016, County Hall, Chelmsford.

There being no further business the meeting closed at 11.35am

Chairman

Essex County Wide Traveller Unit Operations Board 15 November 2016

Report by Sarah Broadley, Finance Business partner

Finance Report for the Essex County Wide Traveller Unit

Enquiries to Sarah Broadley, ECC Finance Business Partner, Tel: 07795 551630

Purpose

1. To note the financial update for the seven months to 31 October 2016
2. To note recommendations for the budget for 2017/18 and 2018/19
3. To note recommendations for the membership fees for 2017/18 and 2018/19
4. To note the response of the External Auditor regarding the Annual Submission for 2015/16

1. Financial update – current position

	2016/17 Budget	Actuals to 31st Oct 2016	Budget Remaining	Forecast Outturn	Forecast variance
Expenditure:					
Employees	£226,687	£136,805	£89,882	£234,522	£7,835
Supplies & Services	£30,125	£35,890	-£5,765	£15,890	-£14,235
Transport & Mileage	£20,233	£13,011	£7,222	£22,305	£2,072
Gross Expenditure	**£277,045**	**£185,706**	**£91,339**	**£272,717**	**-£4,328**
Income:					
Partner Contributions	-£264,600	-£109,599	-£155,001	-£276,140	£0
Gross Income	**-£264,600**	**-£109,599**	**-£155,001**	**-£276,140**	**£0**
Forecast Deficit	**£12,445**			**-£3,423**	

1.1 The 2016/17 budget was based anticipating a deficit of £12,445. (This is due to a new budget line included for Legal Fees)

1.2 40% of income has been received from Essex County Council. Invoices to all members will be raised in November.

1.3 2 new partners have joined the unit – Brentwood Borough Council and Braintree District council, there fees have been built into the forecast

.

1.4 Employee costs are overspending mainly due to the increase in National Insurance Contributions and increase in 2nd year apprentice costs

1.5 Legal Fees are up to £36,000 but fortunately the problem families have moved out of the Essex area so we are hopeful that Legal Fees should reduce substantially.

1.6 The unit is able to drawdown £25,000 from the East of England. When the ECTU was created, grant funding was made available for set up costs. We are able to claim the £25,000 for the database. This helps mitigate the rise in legal fees.

1.7 The unit can potentially use the remainder of the East of England grant available to set up a live, main home page on the website. (Remaining grant is circa £30,000)

1.8 The opening reserve balance as at 1st April was £66,798. If the forecast surplus position is achieved the reserve will increase to £70,221.

2. Proposed Budgets for 2017/18 and 2018/19

	2015/16 Budget	2015/16 Actuals	2016/17 Budget	*Draft* *2017/18*	*2018/19*
Expenditure:					
Employees	£248,021	£224,443	£226,687	*£242,867*	*£239,296*
Supplies & Services	£9,926	£40,577	£30,125	*£37,130*	*£37,130*
Transport & Mileage	£19,836	£19,157	£20,233	*£21,120*	*£21,120*
Gross Expenditure	**£277,783**	**£284,177**	**£277,045**	***£301,117***	***£297,546***
Income:					
Partner Contributions	-£277,783	-£267,356	-£264,600	*-£292,391*	*-£292,391*
Gross Income	**-£277,783**	**-£267,356**	**-£264,600**	***-£292,391***	***-£292,391***
Net Expenditure (Surplus) / Deficit	**£0**	**£16,822**	**£12,445**	***£8,726***	***£5,155***

2.1 The 2017/18 proposed budget includes an assumed annual inflation on employee costs of 1% and an increase of £6,000 due to 2nd year apprentice costs.

2.2 The Supplies & Services budget includes £25,000 for legal fees and £5,000 for DK9 Costs to serve notices, summons etc. The unit has changed substantially over the last 5 years and in the first few years of operation, never had to go to Court. That is no longer the case now and the unit is struggling to resource the increasing demand and feel that building in additional contractor costs is a more economical way of dealing with the increased demand (as opposed to recruiting new staff). £5,000 is a conservative estimate and will be monitored throughout the year.

2.3 It is proposed to increase the LA, ECC Highways and ECC Property & Facilities membership fees by 10% in 2017/18, as these are the areas that are

contributing the most towards the increased demand.

3. Membership Fees

Breakdown of current fees:

Organisation	2016/17 Fee	16/17 % Contribution per member
Essex County Council:		
ECC - Gypsy & Traveller	£119,302	43.20%
ECC - Highways	£6,463	2.34%
Public Health *(5 CCGs)*	£57,520	20.83%
Essex Property & Facilities	£6,463	2.34%
Country Parks	£4,000	1.45%
Total ECC	**£193,748**	**70.16%**
Essex Fire and Rescue	**£23,148**	**8.38%**
Districts / Boroughs & Unitiary:		
Uttlesford District Council	£6,463	2.34%
Thurrock Council	£6,463	2.34%
Rochford District Council	£6,463	2.34%
Maldon District Council	£6,463	2.34%
Colchester Borough Council	£6,463	2.34%
Tendring District Council	£6,463	2.34%
Basildon Borough Council	£6,463	2.34%
Castlepoint Borough Council	£6,463	2.34%
Braintree District Council	£4,309	1.56%
Brentwood Borough Council	£3,232	1.17%
Total Districts/Boroughs/Unitiary	**£59,244**	**21.45%**
Total Subscriptions	**£276,140**	**100%**

Two options are proposed below for the 2017/18 Membership Subscriptions:

Organisation	2016/17 Fee	Option 1 2017/18 Fee (5% Increase)	Option 1 % Contribution per member	Option 2 2017/18 Fee (10% Increase)	Option 2 % Contribution per member
Essex County Council:					
ECC - Gypsy & Traveller	£119,302	£119,302	41.40%	£119,302	40.80%
ECC - Highways	£6,463	£6,786	2.35%	£7,109	2.43%
Public Health *(5 CCGs)*	£57,520	£57,520	19.96%	£57,520	19.67%
Essex Property & Facilities	£6,463	£6,786	2.35%	£7,109	2.43%
Country Parks	£4,000	£6,786	2.35%	£7,109	2.43%
Total ECC	**£193,748**	**£197,180**	**68.42%**	**£198,150**	**67.77%**
Essex Fire and Rescue	**£23,148**	**£23,148**	**8.03%**	**£23,148**	**7.92%**
Districts / Boroughs & Unitiary:					
Uttlesford District Council	£6,463	£6,786	2.35%	£7,109	2.43%
Thurrock Council	£6,463	£6,786	2.35%	£7,109	2.43%
Rochford District Council	£6,463	£6,786	2.35%	£7,109	2.43%
Maldon District Council	£6,463	£6,786	2.35%	£7,109	2.43%
Colchester Borough Council	£6,463	£6,786	2.35%	£7,109	2.43%
Tendring District Council	£6,463	£6,786	2.35%	£7,109	2.43%
Basildon Borough Council	£6,463	£6,786	2.35%	£7,109	2.43%
Castlepoint Borough Council	£6,463	£6,786	2.35%	£7,109	2.43%
Braintree District Council	£4,309	£6,786	2.35%	£7,109	2.43%
Brentwood Borough Council	£3,232	£6,786	2.35%	£7,109	2.43%
Total Districts/Boroughs/Unitiary	**£59,244**	**£67,861**	**23.55%**	**£71,093**	**24.31%**
Total Subscriptions	**£276,140**	**£288,190**	**100%**	**£292,391**	**100%**

3.1 Option 1 is an increase of 5% bringing the contribution up to £6,786 (an increase of £323 per member)

3.2 Option 2 is an increase of 10% bringing the contribution up to £7,109 (an increase of £646 per member)

3.3 It is proposed to go ahead with Option 2, the 10% increase. We have considered alternative options but believe this is the fairest approach. The fee is still less than it was 3 years ago (£7,181 per member)

3.4 Balances are required to protect the Joint Committee from a significant event(s) 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 however legal fees have been substantial over the last 2 years. Ideally, reserves should be

sufficient to cover 3 months of operating costs, which equates to approximately £80,000. Current reserve levels are therefore not sufficient.

With a 10% increase in membership fees, the reserves could still reduce, as demonstrated below:

Balance Sheet: General Balance	**2015/16**	**2016/17**	**2017/18**	**2018/19**
Opening Balance (Credit)	-£83,620	-£66,798	-£70,221	-£61,495
Current Year Net Expenditure (Surplus) / Deficit	£16,822	-£3,423	£8,726	£5,155
Closing Balance (Surplus) / Deficit	**-£66,798**	**-£70,221**	**-£61,495**	**-£56,341**

4. Response of External Auditor for 2015/16 Annual Submission

4.1 The External Auditor Report for 2015/16 stated:

"We have reviewed the annual return and set out our findings below. Our work does not constitute an audit carried out in accordance with International Standards on Auditing and therefore does not provide the level of assurance of a statutory audit" Matters arising from review - none

ECTU Annual Return 201617 Appendix 1.p

Joint Committees
Annual return for the financial year ended 31 March 2016

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 Joint Committee.

– Section 3 is completed by the PKF Littlejohn LLP as the reviewer appointed by the Joint Committee.

– Section 4 is completed by the Joint Committee's internal audit provider.

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 work and so may incur additional costs.

Send the annual return, together with your bank reconciliation as at 31 March 2016, an explanation of any significant year on year variances in the accounting statements and any additional information requested, to us, PKF Littlejohn LLP, by the due date.

We will identify and ask for any additional documents needed for our work. Therefore, unless requested, do not send any original financial records.

Once we have completed our work, certified annual returns will be returned to the Joint Committee.

It should not be necessary for you to contact us for guidance.

Additional information can be found on our website (www.pkf-littlejohn.com) under Services, Limited Assurance Regime.

Section 1 – Annual governance statement 2015/16

We acknowledge as the members of

Enter name of reporting body here: ESSEX COUNTYWIDE TRAVELLER UNIT

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 2016, that:

		Agreed – Yes	Agreed – No*	'Yes' means that the body
1	We approved the accounting statements prepared in accordance with the guidance notes within this Annual Return.	✓		prepared its accounting statements and approved them.
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 generally accepted good practice 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 generally accepted good practice.
4	We provided opportunity during the year for interested persons to inspect and ask questions about the accounts.	✓		has given all persons interested the opportunity to inspect and ask questions about these joint committee 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 audit and external reviews.	✓		responded to matters brought to its attention by internal and external reviewers.
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 Joint Committee and recorded as minute reference

MINUTE REFERENCE 6

dated 14/07/2016

SB

Signed by:

Chair SIGNATURE REQUIRED

dated 14/07/2016

Signed by:

Clerk SIGNATURE REQUIRED

dated 14/07/2016

*Note: Please provide explanations on a separate sheet for each 'No' response.
Describe how the joint committee will address the weaknesses identified.

Section 2 – Accounting statements 2015/16 for:

Enter name of reporting body here: ESSEX COUNTYWIDE TRAVELLER UNIT

	Year ending 31 March 2015 £	Year ending 31 March 2016 £	Notes and guidance Please round all figures to nearest £1. Do not leave any boxes blank and report £0 or Nil balances. All figures must agree to underlying financial records.
1 Balances brought forward	91,843	83,620	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. Excluding any grants received.
3 (+) Total other receipts	294,178	267,356	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	-210,931	-224,443	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	-91,470	-59,734	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	83,620	66,798	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	91,353	66,266	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 2016 the accounting statements in this annual return present fairly the financial position of the Joint Committee and its income and expenditure, or properly present receipts and payments, as the case may be.

Signed by Responsible Financial Officer:

Date 06/07/2016

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

14/07/2016

and recorded as minute reference:

MINUTE REFERENCE 6

Signed by Chair of meeting approving these accounting statements:

Date 14/07/2016

Section 3 – Review report 2015/16 Certificate

We present the findings from our review of the annual return for the year ended 31 March 2016 in respect of:

Enter name of reporting body here: ESSEX COUNTYWIDE TRAVELLER UNIT

Respective responsibilities of the Joint Committee and the reviewer

The Joint Committee is responsible for ensuring that its financial management is adequate and effective and that it has a sound system of internal control. The Joint Committee prepares an annual return which:

- summarises the accounting records for the year ended 31 March 2016; and
- confirms and provides assurance on various governance matters in accordance with generally accepted good practice.

We have reviewed the annual return and set out our findings below. Our work does not constitute an audit carried out in accordance with International Standards on Auditing (UK & Ireland) and therefore does not provide the level of assurance of a statutory audit.

Report

Matters arising from our review

(continue on a separate sheet if required)

Reviewer signature: PKF Littlejohn LLP

Reviewer: PKF Littlejohn LLP Date: 12-9-16

Section 4 – Annual internal audit report 2015/16 to

Enter name of reporting body here: ESSEX COUNTYWIDE TRAVELLER UNIT

The Joint Committee's internal audit service provider, 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 2016.

Internal audit has been carried out in accordance with the Joint Committee'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 Joint Committee.

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 Joint Committee's financial regulations have been met, payments were approved and VAT was appropriately accounted for.	✓		
C. The Joint Committee 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 requirements 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.	✓		~~✓*~~ SW
F. Petty cash payments were properly supported by receipts, all petty cash expenditure was approved and VAT appropriately accounted for.			✓*
G. Salaries to employees and allowances to members were paid in accordance with the 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 Joint Committee (list any other risk areas below or on separate sheets if needed) adequate controls existed:

* – no petty cash or assets.

Name of person who carried out the internal audit: STEVE WILLETT

Signature of person who carried out the internal audit: [signature] Date: 25/7/16

*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).

Guidance notes on completing the 2015/16 annual return

1. 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 provided to us. Annual returns containing unapproved or unexplained amendments will be returned and may incur additional costs.
2. 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 us.
3. Do not send us any information not specifically asked for. Doing so is not helpful. However, you must notify us of any change of Clerk, Responsible Financial Officer or Chair.
4. Make sure that the copy of the bank reconciliation which you send with the annual return covers all your bank accounts. If the joint committee holds any short-term investments, note their value on the bank reconciliation. We 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.
5. Explain fully significant variances in the accounting statements on page 3. Do not just send in a copy of your detailed accounting records instead of this explanation. We want to know that you understand the reasons for all variances. Include a complete analysis to support your explanation.
6. If we have to review unsolicited information, or receive an incomplete bank reconciliation, or you do not fully explain variances, this may incur additional costs for which we will make a charge.
7. Make sure that your accounting statements add up and the balance carried forward from the previous year (Box 7 of 2015) equals the balance brought forward in the current year (Box 1 of 2016).
8. Do not complete section 3. We will complete it at the conclusion of our work.

Completion checklist – 'No' answers mean you may not have met requirements		Done?
All sections	All red boxes have been completed?	✓
	All information requested has been sent with this annual return?	✓
Section 1	For any statement to which the response is 'no', an explanation is provided?	✓
Section 2	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 2016 agrees to Box 8?	✓
	An explanation of any difference between Box 7 and Box 8 is provided?	✓
Section 4	All red boxes completed by internal audit and explanations provided?	✓

BUSINESS RISK ASSESSMENT

RISK ASSESSMENT COMPLETED DATE **Reviewed and updated 19 May 2016**

FUNCTION / SERVICE / TEAM formal commitment

PROJECT / PROGRAMME (if appli 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	4	16	SA	Treat	Ensure additional resource is funded/recruited if req Prioritise and reduce service levels in liaision with partners		SA SA SA	3	1	3
2	Insufficient funding to deliver service	High demand on chargable resource legal and external agencies	Part or all of the service will stop delivering		6	2	12	SA	Treat	Ensure resource available to manage encampments and where possible negotiate departures Access reserve fuwhere necessary Seek additional member contribution to offset increased costs where necessary Secure new partners		SA Partners SA SA	4	2	8
3	ECTU perceived as not delivering expected service by stakeholders, lack of robust controls by ECTU.	Politicians / members of the public do not understand the service provided by ECTU and powers available to us.	Reputation loss, pressure for partners to break away. Service is no longer viable		5	3	15	SA	Treat	Inform members of service/regular comms and unit and cultural awareness training Ensure SPOCs are informed to help manage expectations of stakeholders Comms strategy/press releases for wider stakeholders Potential development of service for private landowners Ensure robust administriation of powers via process/audit		SA SA SA SA SA	4	1	4
4	Negative public / member opinion of the Gypsy/Traveller Community based on the publicity/actions of the minority, is applied to the community as a whole	Negative behaviour of of small number of Traveller families receiving high profile attention. The majority of the Traveller population who are normal law abiding residents, are not considered.	Increase tensions, Travelling families treated unfairly, encourages negative behaviours		5	3	15	SA	Treat	Education of Members, public on the true picture and culture Good news stories in the media Improved web site/information resource for general access Address ill informed / derogatory / racist comments / communications quickly, honestly and robustly		SA SA SA SA	3	3	9

ESSEX COUNTYWIDE TRAVELLER UNIT: Operations Performance Update - 28th November 2016

Current performance against strategy / action plan

Unauthorised encampments

At the start of this reporting period, we were continuing to experience very high volumes of encampments in Essex, partly due to the seasonal impact, and also the effect of the two separate family groups continuing their year round occupation of separate parts of the county.

The Police and Crime Commission called a round table meeting for Chief Execs, Authority Leaders, MP's and senior Police officers to discuss a unified approach to attempt to address what has been a step change in the number and behaviour of encampments in the county and the East of England as a whole.

This meeting was well attended, and heavily weighted with ECTU partners. There was a large degree of positivity in the room reference the unit and service, and Stephen Kavanagh, Chief Constable, was particularly vocal in encouraging full membership/participation in the unit as one the action to take forward.

As a result of the meeting, a Task and Finish Group has been set up, chaired by Jane Gardner, Deputy PCC, with the next meeting scheduled for 25th November. The agenda includes:-

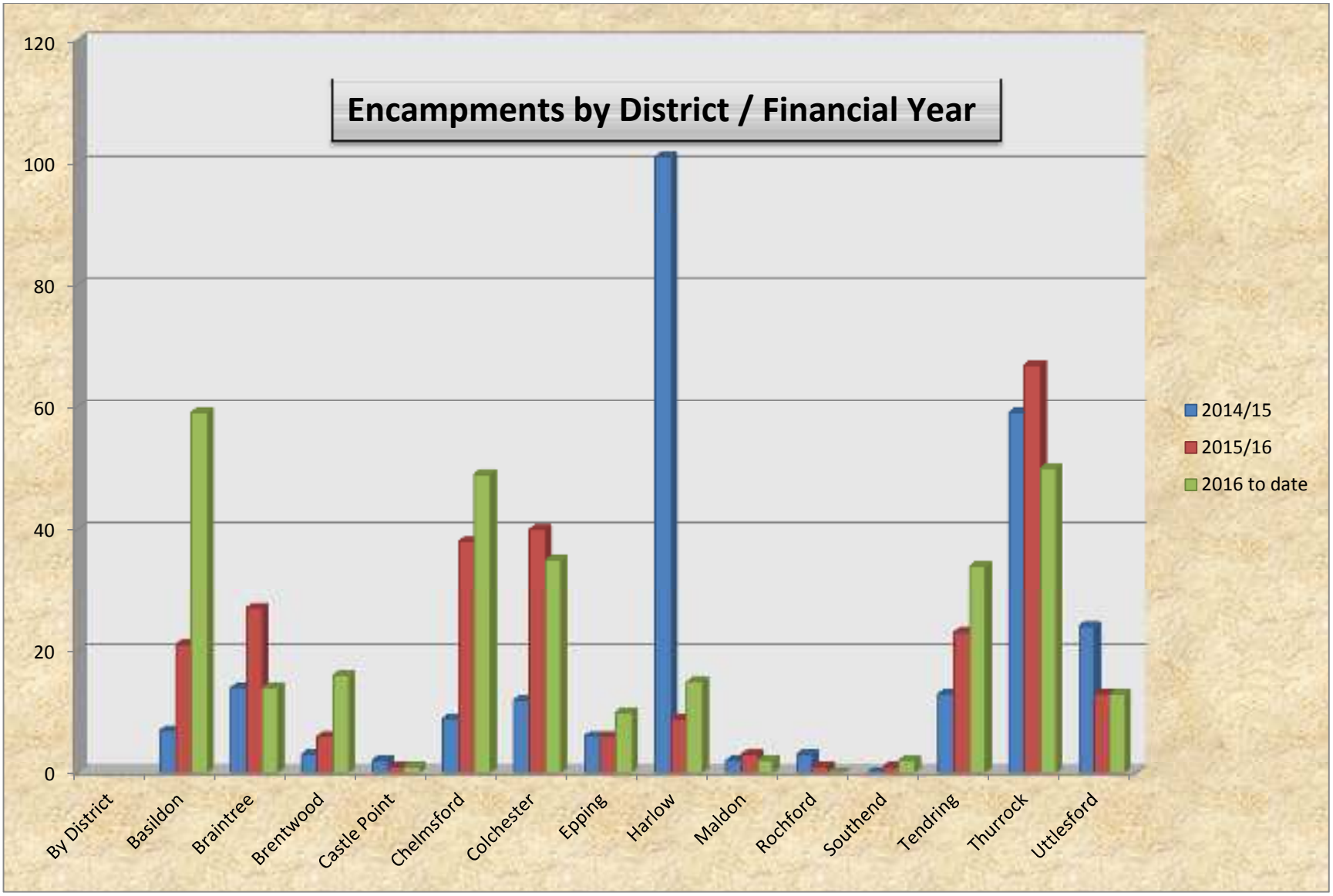
1. **Managing illegal encampments -** Learning from Best Practice - Northamptonshire CC, Developing common protocols, Development of a guidance note for Councillors, ECTU Member Training Programme Roll Out
2. **Legislative Changes** The Harlow Proposition , Opportunities for Civil Action
3. **Transit Site Provision,** Potential locations, requirements & costs for establishing a transit site
4. **Communications -** Agenda for next 'Full' Roundtable Quarterly Liaison Meeting

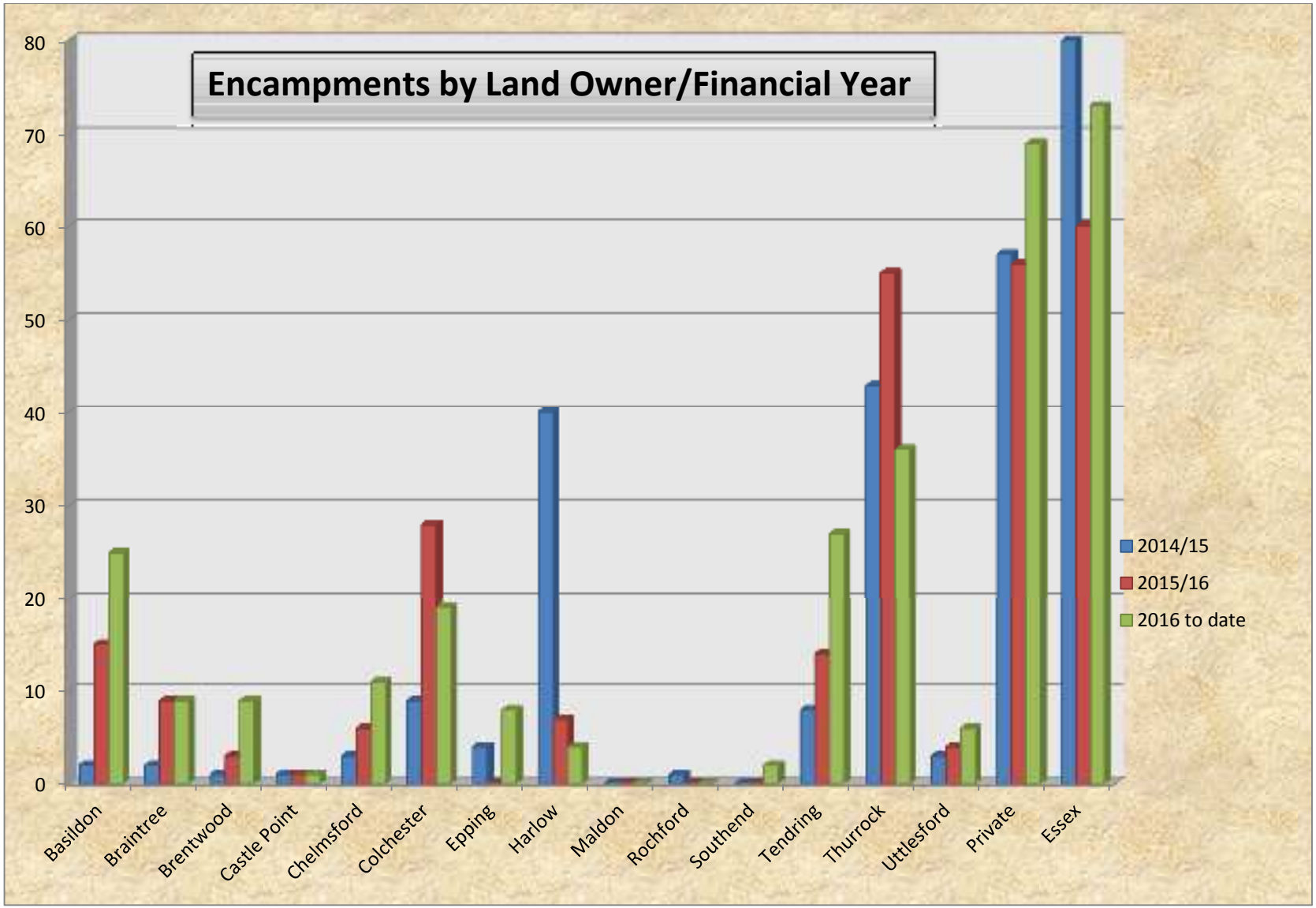
There have been recent significant developments with the two family groups mentioned above. One group were encouraged to leave the district by a local officer, and have not been reported anywhere in Essex since Oct 3rd. The other appear to have left the county since the 21st October following families they have been feuding with in the Midlands area, finding and bring the feud to them in Basildon.

We currently have no intelligence on the whereabouts of either family at the time of writing this report, nor the potential for them to return.

Unauthorised Encampments - Performance							
Objective	**Sub Division**	**Target measure**	**Target**	**Timescale / Report period**	**Performance for Report period**	**Performance Accumulative**	**Comments**
UE visited within 1 working day		%	**97%**	Jun 16 to Nov 16	**98%**	**99%**	Based on current volumes this is an exceptional performance
Number of encampments resolved through	negotiated departure	%	**40%**	Jun 16 to Nov 16	**24%**	**20%**	Low performance as majority of court cases are with the persistent groups
	Court enforcement	%	**60%**	Jun 16 to Nov 16	**69%**	**69%**	As above
Total	Section 77/8 Part 55 Section 61 Negotiated	No. No. No. No.	95 3 4 29	Jun 16 to Nov 16	**Data only**		
s77's complete within 10 working days		%	98%	Jun 16 to Nov 16	**98%**	**98%**	On target
s77's complete within 7 working days		%	95%	Jun 16 to Nov 16	**92%**	86%	Impacted by persistent group

Unauthorised Encampments - data				
	Sub Division	**Timescale / Report period**	**Data for Report period**	**Comments**
% of encampments where ECTU are involved		Jun 16 to Nov 16	64%	
Number of encampments	Partner	Nov 15 to Jun 16	138	
	Non-partner	Nov 15 to Jun 16	40	Non-partners may not share all of their encampment details.
	Private	Nov 15 to Jun 16	54	


Encampments by District / Financial Year
120
100
80
60
40
20
0
By District
Basildon
Braintree
Brentwood
Castle Point
Chelmsford
Colchester
Epping
Harlow
Maldon
Rochford
Southend
Tendring
Thurrock
Uttlesford
2014/15
2015/16
2016 to date


Encampments by Land Owner/Financial Year
80
70
60
50
40
30
20
10
0
Basildon
Braintree
Brentwood
Castle Point
Chelmsford
Colchester
Epping
Harlow
Maldon
Rochford
Southend
Tendring
Thurrock
Uttlesford
Private
Essex
2014/15
2015/16
2016 to date

Tracking specific groups movements through partner areas…A further request was made reference tracking information – ie tracking the movement/stopping places of any group moving through partner areas. This was carried out in the early stages of the partnership, but due to the changes in the behaviour of Traveller groups following the Harlow encampments, with different groups splitting and reforming, or intermingling with other groups, this is no longer a practicable option, as the resulting outcomes will be too complex. We are continuing to look at alternative solutions.

When is an encampment, not an encampment.

1. Single vehicles legally parked on the roadside, with the possibility of habitation – not Gypsy/Travellers

2. Caravans in residential parking spaces or outside bricks and mortar properties, and hooked up to the latter – not Gypsy/Travellers

3. Tents / unauthorised campers in the true sense – not Gypsy/Traveller

For option 1 – there are no powers available to us as local authorities to take action, unless there are appropriate by laws in place. Action would then be taken by the relevant authority as this falls outside of the ECTU remit

Option 2 – as per option 1 – there may be some actions available to the local authority reference trailing electricity wires, or potential breach of tenancy or rented properties – again outside of ECTU's remit.

Option 3 – unless linked to the Gypsy/Traveller community, they are trespassers so should be addressed by the landowner.

Fire Safety

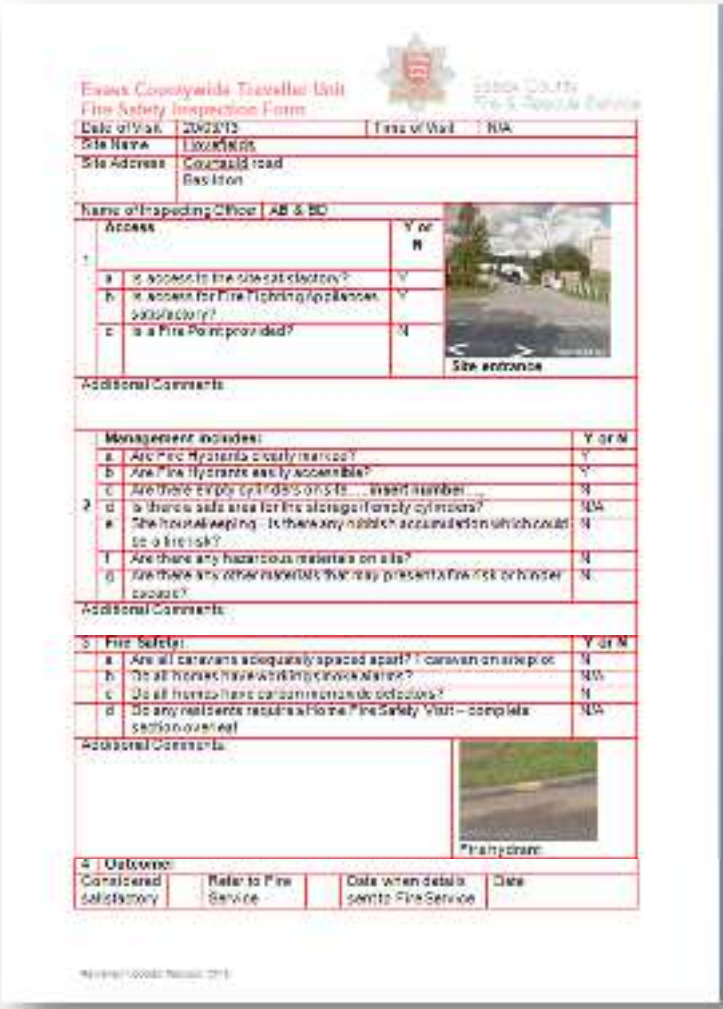
We are continuing to target groups who did not engage in the initial visits, as well as completing follow up visits etc. We are also adding value in producing more detailed site records including confirmation of site accessibility to appliances, and promoting fire safety outside of the primary site and home fire safety visits.

Fire Safety - Performance

Objective	Scope	Target measure	Target	Timescale / Report period	Performance at previous reporting period	Performance for Report period	Time scale
Home fire safety Visit	Approx 400 homes	% of total homes	70%	Nov 15 to Jun 16	57%	75%	May 17
Smoke Alarms issue	Approx 400 homes plus roadside	% of complete HFSV	75%	Nov 15 to Jun 16	70%	73%	May 17
Site Fire Safety Visits	Approx 174 Sites	% of total sites	75%	Nov 15 to Jun 16	71%	77%	May 17
Provide settled sites data Sheets	Approx 174 Sites	% of total sites	50%	Nov 15 to Jun 16	17%	71% available	Oct 16
"Press to Test" Campaign	County wide	% of total Homes	60%	Nov 15 to Jun 16	na	40%	Ongoing

Fire Safety - Data				
	Visits – smoke alarms issued pre current reporting period	**Timescale / Report period**	**Data for Report period**	**Comments**
Home fire safety Visit	213	Nov 15 to Jun 16	86	Total 299
Smoke Alarms issue	263	Nov 15 to Jun 16	104	Total 367
Site Fire Safety Visits	85	Nov 15 to Jun 16	49	Total 134
Provide settled sites data Sheets	30	Nov 15 to Jun 16	95	
Dynamic updates on high risk encampments	ongoing	Nov 15 to Jun 16	ongoing	

Enhanced Data Sheets



Essex Countywide Traveller Unit
Fire Safety Inspection Form

Date of Visit	20/2/13	Time of Visit	N/A
Site Name	Lowfields		
Site Address	Courtauld road Braintree		
Name of Inspecting Officer	AB & BD		

1	Access	Y or N
a	Is access to the site satisfactory?	Y
b	Is access for Fire Fighting appliances satisfactory?	Y
c	Is a Fire Point provided?	N

Site entrance

Additional Comments:

2	Management includes:	Y or N
a	Are Fire Hydrants clearly marked?	Y
b	Are Fire Hydrants easily accessible?	Y
c	Are there empty cylinders on site ...insert number...	N
d	Is there a safe area for the storage of empty cylinders?	N/A
e	Site housekeeping - Is there any rubbish accumulation which could be a fire risk?	N
f	Are there any hazardous materials on site?	N
g	Are there any other materials that may present a fire risk or hinder access?	N

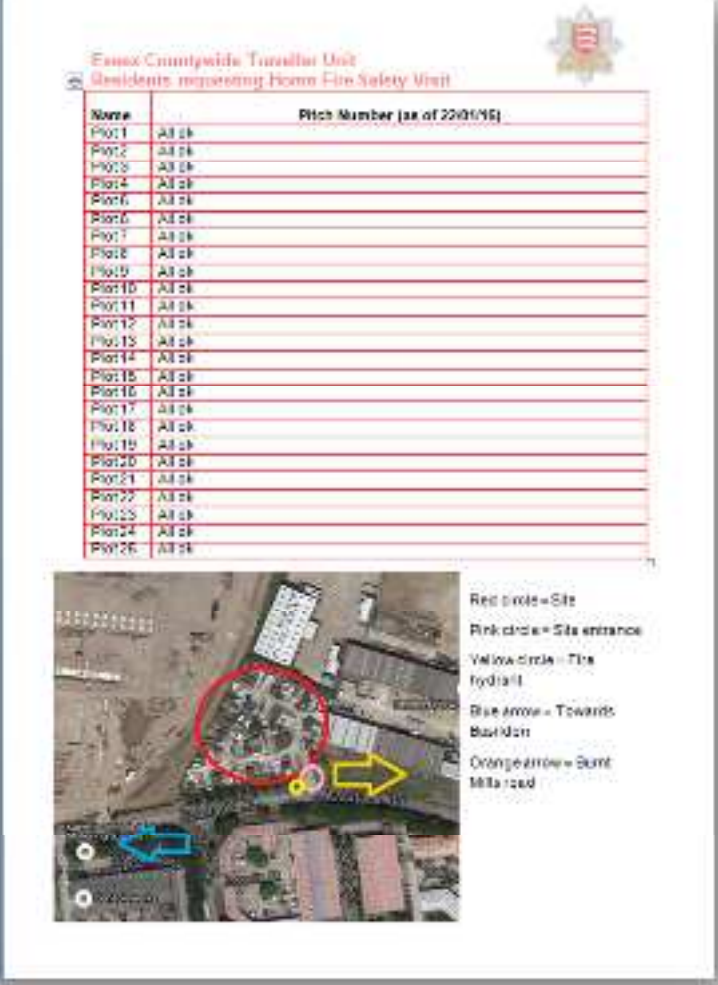
Additional Comments:

3	Fire Safety:	Y or N
a	Are all caravans adequately spaced apart? 1 caravan on single pitch	N
b	Do all homes have working smoke alarms?	N/A
c	Do all homes have carbon monoxide detectors?	N
d	Do any residents require a Home Fire Safety Visit – complete section overleaf	N/A

Additional Comments:

Fire hydrant

4	Outcome:				
Considered satisfactory		Refer to Fire Service		Date when details sent to Fire Service	Date



Essex Countywide Traveller Unit
Residents requesting Home Fire Safety Visit

Name	Pitch Number (as of 20/01/16)
Plot1	All ok
Plot2	All ok
Plot3	All ok
Plot4	All ok
Plot5	All ok
Plot6	All ok
Plot7	All ok
Plot8	All ok
Plot9	All ok
Plot10	All ok
Plot11	All ok
Plot12	All ok
Plot13	All ok
Plot14	All ok
Plot15	All ok
Plot16	All ok
Plot17	All ok
Plot18	All ok
Plot19	All ok
Plot20	All ok
Plot21	All ok
Plot22	All ok
Plot23	All ok
Plot24	All ok
Plot25	All ok

Red circle = Site
Pink circle = Site entrance
Yellow circle = Fire hydrant
Blue arrow = Towards Braintree
Orange arrow = Burnt Mills road

“Press to Test – Monthly is Best”

The recently launched campaign from the home office has been picked up by ECTU and material modified to better suit our target market. The following material is being circulated as an A4 hand out, and an A3 Poster, and coverage will be all sites visited and on an ongoing basis.

Public Health

Health									
Objective	**Sub objective**	**Scope**	**Target measure**	**Target**	**Timescale / Report period**	**Performance at previous reporting period**	**Performance for Report period**	**Time scale**	**Comments**
Facilitated to received primary Immunisation		Unknown	No.	100	Jun 16 to Nov 16	22	**28**	May 17	**Total 48**
Facilitated to receive the flu jabs		Unknown	No.	150	Jun 16 to Nov 16	1	**192**	Nov 16	**Total 192**
Report known pregnancies on site and link to anti natal , stop smoking etc		Unknown	na	na	Jun 16 to Nov 16	5	3	Ongoing	Total 8
Identified Long Term Condition		Unknown	No.	50	Jun 16 to Nov 16	36	**8**	May 17	**Total 44**

Health cont.									
Objective	**Sub objective**	**Scope**	**Target measure**	**Target**	**Timescale / Report period**	**Performance at previous reporting period**	**Performance for Report period**	**Time scale**	**Comments**
Number confirmed/ assisted to register with GP	Permanent	Unknown	No	40	Jun 16 to Nov 16	91	**21**	May 17	**Total 112**
	Temporary	Unknown	No	na		1	6	May 17	Total 7
Number confirmed/assisted to register with Dentist	Permanent	Unknown	No.	50	Jun 16 to Nov 16	5	**5**	May 17	**Total 10**
	Temporary		No.	na		0	0	May 17	
Health Checks Facilitated		Unknown	No.	25	Jun 16 to Nov 16	4		Nov 16	
Number referred to stop smoking/alcohol and healthy eating, Skin and Child Safety etc		Unknown	No.	50	Jun 16 to Nov 16	45	**76**	Nov 16	**Total 121**

There is a lot of support/signposting carried out by the outreach team which is not reflected in the above reporting, including direct support to Health Visitors, referrals for specialist support ie Speech and Language , direct support in making and attending medical appointments, mental health referrals, support in obtaining disability aids etc.

Health days in Essex

We have had a full season of Health days on various sites across Essex – 6 events in total. These have concentrated on

- Blood pressure monitoring
- Lifestyle advice
- Smoking caseation
- Weight management
- Basic first aid training
- Health and Safety advice to children and young people
- Drug and alcohol awareness

The events are designed as hands-on / interactive days to encourage participation, and ensure literacy issues are not a barrier. They also cater for adult and child participation with promotional materials to suite

The graph below show dome of the intervention achieve in this programme

Education

Education								
Objectives	**Scope**	**Target measure**	**Target**	**Timescale / Report period**	**Performance at previous reporting period**	**Performance for Report period**	**Time scale**	**Comments**
Number of Children supported into pre-school /school 2 – 16	unknown	No.	150	Jun 16 to Nov 16	200	54	May 17	
Number of children transferring from primary to secondary	unknown	No.	15	Nov 15 to Jun 16	40	10	May 17	
Number of young adults supported into further education	unknown	No.	15	Nov 15 to Jun 16	12	0	May 17	
Number of transport applications Supported	unknown	No.	40	Nov 15 to Jun 16	18	22	May 17	
Number of 2 year olds funded applications supported	unknown	No.	40	Nov 15 to Jun 16	3	3	May 17	

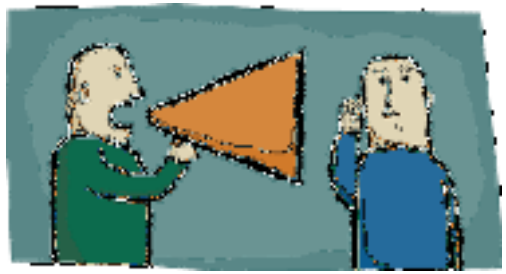
There is a lot of additional work that goes on around education in terms of supporting meetings at schools, supporting with uniform issues, bullying issues, attendance meetings and home education.

Police

Sgt Paul Downes is confirmed as remaining with the Unit for at least a further 9 month period to ensure continuity in Police participation/support. The initial intention is for Paul to seek to recruit a successor within the first 6 months followed by a 3 month hand over period. There are alternative proposals which will be considered during this time period, so there may still be an alternative ultimate scenario.

At the recent PCC round table event, Stephen Kavanagh – Chief Constable, expressed his staunch support of the unit, and Essex Police's commitment to it and partnership working. He was vocal in suggesting that all Essex authorities should be actively participating, and could not understand why we still have those who remain outside of the unit/partnership.

Communications plan – for review - ongoing



External – reactive – there is limited opportunity/appetite for positive stories around the Gypsy/Traveller community, hence this is likely to be in response to encampments etc. It is important that we have a consistent message being delivered in terms of the partnership operation/involvement as there have been examples of member comments differentiating the partner authority action from the ECTU partnership action.

External – release/positive – on the occasions where there has been an interest, it has been caveated from the media with a request for direct input from members of the Traveller Community. Due to the generally private nature of the community, mistrust of the media and potential repercussions from the settled community, it is very difficult to achieve active participation at that level, unless the member of the Traveller community has a particular agenda they want to get across.

Proposal - All reactive external comms from partners reference areas where we are working in partnership ie Unauthorised Encampments, should either be routed through ECTU office, or follow an agreed format reflecting the working arrangements of the partnership.

Websites – this has been discussed at previous meetings but has been a low priority over operation issues. We still need to address the central website, and ensure complimentary entries on partner web sites to ensure optimum customer experience. Additions planned during what will hopefully be a quieter winter period

- Dynamic encampment reporting – all live encampments, and status will be uploaded onto the website on receipt of report.
- Ideally a dedicated ECTU web site hence reporting on key issues in other partner areas
- Traveller friendly content to encourage pro-active use by the community
- Poss Facebook / Twitter presence
- Any other suggestions?

Internal – predominantly through direct email/telephone, and the Operations Board (Officers) and Joint Committee meetings. There have been ad hoc newsletters circulated to partners/non partners which could be formalised/fixed frequency should the appetite be there. The following are suggested format/frequency for discussion:-

- Format - email (pdf) and/or hard copy?
- Frequency – to fall in the mid-point between the bin annual meetings or more frequently?
- Content – an update on performance stats, plus case studies, key issues/influences? Should we include some more informal elements ie team profiles, the lighter side of Travellers etc

Transit Sites

Following the decision by ECC's political leadership team to endorse the proposal to develop transit sites, there has been an initial appraisal of four sites re their suitability, in planning terms, for future development as transit sites.

The four sites which are the subject of this appraisal are:

- Shalford, Braintree Road (Braintree District)
- Ongar, Mill Lane (Epping Forest District)
- St. Osyth, Colchester Road (Tendring District)
- Great Wakering, Common Road (Rochford District)

Essentially, there are two possible routes for the provision of transit sites:

a) Application route - This would consist of a site finding exercise and preparation and submission of a site-specific planning application.
b) Planning Policy route - Planning policy documents have to be reviewed from time to time, in order to ensure that their policies reflect changing circumstances. The review process includes site specific land use allocations and policies. If there are any known sites which would be suitable for development as transit sites, these would be put forward for inclusion in the development plan. The advantage of a successful site allocation is that a subsequent planning application would likely be considered to be in accordance with planning policy. The disadvantage of the planning policy route is that the policy review process is a long-term process, and that not every local plan is currently at the review stage.

Update to be provided by Paul Ashworth

Training

Member training and roll out – pilot training completed in ECC, and Colchester members received training in late October. Other partners are showing interest in pursuing this route, and it has emerged as an action from the PCC Roundtable meeting.

The training consists of an introduction to the Gypsy/Traveller culture, the history the community in the UK, and the issues they have faced over the years and ongoing.

Current day issues are presented bespoke to the relevant area receiving the training, and based on feedback to date, we present good and bad examples of sites, encampments etc.

In order to ensure resource is available for the timely delivery of member training, we will need to identify those remaining authorities interested in pursuing, and look to schedule dates for delivery.

ESSEX COUNTYWIDE TRAVELLER UNIT
Options Paper
Providing a service to Private landowners to repossess land.

Introduction

The current service to partners was designed to bring consistency, continuity and a firm but fair approach to the management of Unauthorised Encampments on their land in Essex, which is primarily Local Authority land. This can mean that the consistency and continuity can and probably is lost when groups camp on private land and non-partner land.

It can be difficult and intimidating for a private land owner to manage encampments and complete the required actions to repossess their land, as well as having sufficient resource and knowledge of the legal process to complete this in a cost effective way.

The potential offer

ECTU has extensive and specialist knowledge and experience of the Gypsy /Traveller community and the groups moving through the county at any one time, and of the legal process and the ability to enforce court orders.

Demand and expectation

Land owners will come in all shapes and sizes, from individuals with a small holding, to corporate bodies with significant resource/financial backing. Demand for a service is equally likely to cover a range of expectation on outcomes.

A key factor for consideration in any service offer is that we will still be managing any encampments as a local authority – hence the requirements to follow a formal and robust process including welfare checks will remain.

Private land owners do not have to consider welfare etc hence have the option to appoint a bailiff who can take immediate eviction action under common law which does not require redress to the courts (not available for LA's as above). In addition to costs, there are potential issues/pit falls in a land owner adopting this route.

The "force field analysis" below shows the potential of opposing factors/expectations

Benefits/Client expectations		Potential issues/challenges
ECTU's officers have significant experience of the community and processes to repossess land	ECTU SERVICE OFFER TO PRIVATE LANDOWNERS	We are still a public authority, hence would need to follow the same processes as we would on public land.
Landowner would require a quick repossession		We could only offer the 7 working day targeted turn around through the courts
Landowner would expect immediate response		This may not be possible with the current resourcing without impacting on partner services. Demand/take up unknown, so practicalities of resourcing will need to be defined dependent on preferred package options.
Landowners expectation on payment method:- • per encampment • annual insurance payment What are they prepared to pay?		Payment option would dictate resourcing – a per encampment charge would necessitate acting as managing agent and sub-contracting, insurance payment would allow permanent resourcing – Size of land owned could dictate annual fees necessary.
A local solicitor has quoted a land owner £7000 to manage a repossession of land		We should be able to offer a more cost effective solution, but that will be dependent on the fee charge model

Service offer breakdown

- Initial site visit to facilitate liaison with Travellers
- Liaison with the Police as the land owners representative – ie meeting the requirement for the land owner to request the Travellers to leave before a section 61 can be applied.
- Negotiated departure where possible, based on knowledge of/relationship with the Traveller group camping – 2 to 3 site visits.
- Take repossession action through Section 77/8 of the Criminal Justice and Public Order Act 1994 or part 55 of the civil procedure rules. Draft and serve all papers attend court and serve order, including full legal support – 4 to 5 visits
- Organise bailiffs if required – facilitation/management

Risks to take-up of the offer

Time frame - As introduced above, private landowners are not bound by the same requirement for welfare considerations, alternative provision etc that we as local authorities are. They can therefore, if they choose, go straight to a private bailiff who can act using common law, which can be a very rapid process – same/next day. There are inherent dangers in this approach, as there are no considerations for children, families, welfare, health education etc, and if there is a breach of the peace resulting from the action, the Police can just as easily arrest the Bailiff, as there action would be deemed the cause.

We could not be involved in or broker such an action, as it would leave us vulnerable to challenge in not meeting our statutory duties as a local authority, and have a negative effect on our ongoing ability to manage encampments.

Cost/Fees – dependent on the models adopted, we would be expecting an annual fixed charge/insurance, or a per encampment charge. Either option may need to overcome a perceived culture amongst some land owners who have an expectation that the Local Authority should pay for/manage such encampments on their land as a matter of course. I am not aware of this being applied to any other group/issues affecting their land.

Charging/Resource

There are three basic service/charging options available to us:-

1. A single annual payment, as per existing partners which acts as an insurance policy which they can claim on as and when required. The charge would be related to the size of the estate/land holding and associate risk.

2. A per encampment rate which will consist of the ECTU officer hours, Legal/Court Costs and bailiff costs. This is likely to fluctuate dependent on number of caravans/vehicles, court challenge, and bailiff requirement.

3. Base consultancy on the options/action available to them and accompanying the land owner on initial liaison.

1 - Single annual payment/subscription – this figure will be market driven with the associate risk to ECTU/the Joint Committee based on demand on resource. It will be an optimum figure on what the landowner is prepared to pay as an insurance, against the number of land owners joining, and the risk of encampments/costs exceeding income. Further research will need to be carried out with a select group of landowners to gauge expectation in terms of timeline, and acceptable premium. They will need to accept that the service may, if we have to go the court route take up to 7 working days. We will need to ensure a critical mass, in terms of take up, to make this option viable and sustainable.

2 - Per encampment rate – each encampment will need part or all of the following:-

1. Initial visit by ECTU officers, to assess the site, record details and request them to leave – ECTU officer time / travel
2. Second visit/advice from land owner if complied with – ECTU officer time / travel
3. Submission made to court for repossession of the land – ECTU officer and legal service
4. Issue of court summons, and serving of same – ECTU time / travel and legal
5. Court appearance – ECTU officer and legal
6. Issue court order to reclaim the land – ECTU officer time / travel
7. Check compliance, and if not arrange bailiffs – ECTU officer time / travel
8. Attend with bailiffs to complete – ECTU officer time and Bailiff Recharge.

The costs would therefore run to the point where the encampment is clear, which in an ideal world would be at step 1 – 2, but in a worst case scenario step 8.

3 - Consultancy/initial site visit

To support the land owner with initial liaison, or acting on their behalf to request an encampment to leave, thus enabling a section 61 to be served if appropriate. Charge will need to be made on an hourly rate plus travel.

Resource Considerations

Whichever option is adopted, there is a risk in absorbing it into the existing resource. Dependent on take up, there would be the potential for existing partners to suffer a reduction in service if there are high levels take up from Private Landowners, and a high demand on private land during the peak activity season. We would therefore need to budget for the necessary staffing resource to meet the demand, which may require some initial investment from the Joint Committee

Indicative Costs

Below is an indicative break even cost of a *straight forward*, small encampment, including officer time/mileage back office support/admin. The costs would stop at the point the encampment left, but once we submit to the courts, there will be ECC legal cost to include.

The bailiff cost reflects the standard standby charge for putting them on alert to attend a site. If they have to attend, costs will rise significantly dependent on the number of vehicles required, and whether they have to actually tow/store any vehicles.

Action	Cost
Initial visit by ECTU officers	£100
Second visit	£50
Submission made to court for repossession of the land	£305
Issue of court summons, and serving of same	£50
Court appearance & issue court order to reclaim the land	£50
Check compliance visit	£50
Attend with bailiffs to complete	£230
ECC Legal Costs	£200
Support/Admin	£56
Minimum Charge with Bailiff	**£1,091**
Minimum Charge without Bailiff	**£861**

Based on the reported figure quoted by a local solicitor to a private land owner of £7,000, this is extremely competitive.

NB – the quoted minimum charge is to cover costs, hence will need to be inflated by an agreed percentage to include a surplus margin.

Options to proceed

As suggested at a previous meeting, we can include some free guidance on the web site in a “Rough Guide to Managing Unauthorised Encampments for Private Land Owners”. This would cover the basic advice on the available powers/actions, and could, assuming the ECTU offer is implemented, lead into the ECTU service offer to the land owner.

Based on the report, can the Joint Committee indicate a preferred option/s and whether further research is commissioned to set pricing etc to return to the committee with a fully costed proposal.

Steve Andrews
ECTU Manager
18/11/16

V2-1