COUNCIL

Following a request by the Mayor, the Chief Executive has called an Extraordinary Meeting of the Council.

This is formal notice summoning such meeting.

DATE: Monday, 14 March 2011

TIME: 7.30 p.m.

VENUE: Towngate Theatre, St. Martin’s Square, Basildon SS14 1DL

Chief Executive

Most Council meetings are open to the public and press.

Agendas and Minutes are published on the Council’s website www.basildon.gov.uk. Agendas are available to view five working days prior to the meeting date and the Council aims to publish Minutes within five working days of the meeting.

Meeting papers can be provided, on request, in large print, in Braille, or on disc, on tape, or in other languages.

For further details and general enquiries about this meeting, contact Corinna Hill, Senior Committee/Member and Directorate Support Manager, (01268) 294601 or e-mail corinna.hill@basildon.gov.uk

DATE OF PUBLICATION: FRIDAY, 4 MARCH 2011

1. APOLOGIES FOR ABSENCE:

2. DECLARATIONS OF INTEREST:

To receive any declarations of interest from Members in accordance with Part 2, Paragraph 9 of the Members’ Code of Conduct.
3. ANNOUNCEMENTS:

To receive any announcements from the Mayor, Deputy Mayor, Leader of the Council, Cabinet Members or the Chief Executive.

4. TRAVELLER SITE CLEARANCE: DALE FARM CRAYS HILL: (Pages 1 - 59)

To consider a report by the Leader of the Council and a report by the Executive Team.

5. NOTICES OF MOTION:

(a) To deal with any notice of an emergency motion which the Mayor of the Council may permit in accordance with Council Procedure Rule 13.
EXECUTIVE SUMMARY:

The attached report of the Executive Team sets out clearly all of the implications which arise out of the decision to take direct action in respect of the Dale Farm site, as determined by the Development Control and Traffic Management Committee, originally in June 2005, updated December 2007. Members are now asked to authorise the further necessary funding, which flows from this earlier decision.

The Executive Team report also sets out the other steps taken to avoid the need to take a forced clearance of the site. However, breaches of planning control in the green belt continue and there remains little alternative but to proceed with direct action.

STRATEGIC IMPROVEMENT PLAN AIMS:

Environment

WARD(S):

All wards

RECOMMENDATION:

The following recommendations are based on all police costs being the full responsibility of Essex Police Authority and the Council not bearing any such costs associated with this operation:

1. That the general fund revenue budget for 2011/12 for this action be increased to £5m, made up of £1.5m carry forward from 2010/11 and £3.5m from the contingency reserve;

2. That the contingency reserve be replenished to a balance of £5m by March 2013, by increasing the efficiency target accordingly, in order to provide a contingency for potential post operational costs of £1.5m.
From the detail of the reports it can be seen that there is a high degree of uncertainty and risk around the operation. Whilst the estimate of £5m is based on the best information available at this time and having regard to the operational plans and contingencies known and planned for at this time, there still remains a possibility that in very extreme circumstances further budget beyond £5m will be required, to undertake the operation. Therefore:

3. That delegated authority be granted to the Chief Executive, in consultation with the Leader of the Council, to spend beyond the total budget of £5m (referred to in 1 above), up to a further £1.5m, in response to any operational necessity that arises. This sum will initially need to be funded from the contingency reserve potentially reducing the balance on the reserve to £2m. In order to replenish the contingency reserve, this would require a further increase in the efficiency target up to £6.6m by March 2013;

4. In response to any expenditure incurred under 3 above, that the Council’s budget and Medium Term Financial Strategy be reassessed, to replenish the reserves and in order to ensure an ongoing sustainable financial forecast.

The history of Dale Farm, Crays Hill, has been documented in various reports; the last report to Council was an update report on 9th December 2010. The decision to authorise direct action (taken by the Development Control and Traffic Management Committee in June 2005, reconsidered in December 2007) has been subject to various appeals and challenges. The challenge to the legality of the planning decision to taken enforcement action came to an end in June 2009 when the House of Lords refused permission to appeal in the proceedings.

I have, on behalf of the Council, together with the MP for Basildon and Billericay, John Baron, been highlighting that this is not an issue for Basildon to tackle alone. The shortage of authorised pitches is a national problem, which is particularly acute in the East of England, and therefore requires a response from all local authorities. Whilst proceeding with site clearances in Basildon will preserve our green belt and maintain a rule of law necessary to prevent planning anarchy, it does not represent a long term solution for the traveller families affected.

It is for this reason that alongside preparing for the site clearances here and elsewhere in the Borough, I have sought to find a peaceful means by which the travellers could leave the site. It was most unfortunate that efforts to find a package of sites across Essex had to be ended but further discussions may prove more successful; however, the site clearance at Dale Farm cannot wait for these discussions to reach their conclusion particularly given that continued occupation is a breach of the criminal law and the degree of harm being caused to the Green Belt.

Due to the unprecedented nature, scale and risk of the proposed action and the consequential uncertainties, the cost to Basildon Borough Council of taking direct action as set out in the Executive Team report is estimated at between £5 and £6.5 million. Members will be aware that an application for expenditure grant was made to the Department for Communities and Local Government for an indicative sum of £3m; this was in addition to the available £1.5 million carry forward from previous year’s unspent provision. DCLG have notified the Council that this application has been declined, which means the total cost must fall to the Council. In addition, to the estimated cost of direct action, a further £1.5m contingency is considered appropriate in the event of future
This will have a significant impact on the Council’s finances, particularly in light of the financial efficiency targets already required, and will seriously constrain the Council’s ability to provide quality services to all residents of the Borough.

However, I consider the Council has little choice but to commit these resources as failure to do so will:

- Significantly undermine the general enforcement of planning laws;
- Impact on community relations in the direct locality of Dale Farm, with implications for cohesion in the wider community amongst traveller and non-traveller residents.

Members will also be aware from my update report in December that Essex Police have estimated their costs to be in excess of £10m in the event of the ‘worst case’ scenario emerging. Following discussions that I and John Baron have had with the Chief Constable and the Home Office, it was agreed that a joint funding application for special grant be submitted to meet the additional police costs over and above those that Essex Police could reasonably allocate to this operation (£3m). A response from the Home Office has not yet been received.

In the event that the additional police costs are not fully funded by the Home Office, it may be expected that either the Home Office or Essex Police Authority would seek a contribution from Basildon Borough Council. From the comments above and the budget position set out in the report by the Executive Team, it can be readily seen that should such a request be received, it would be totally unacceptable for the Council to meet any such police costs. The amount of any grant awarded (and any further resources that the Police Authority make available) will determine the level of support the police will be able to give to the operation.

I have carefully considered all of the implications contained in the report of the Executive Team and regret that the traveller community has determined not to comply with the criminal law and has not moved from the site voluntarily once the legal challenges came to a close. But in my view the Council must now take action to clear the site.
BASILDON BOROUGH COUNCIL

Report to: Council
14 March 2011

TRAVELLER SITE CLEARANCE: DALE FARM CRAYS HILL

Report by: The Executive Team

Enclosures: Enclosure No. 1 – Summary of engagement work undertaken to identify alternative sites
Enclosure No. 2 – Other Considerations
Enclosure No. 3 – Service Impact Assessment
Enclosure No. 4 - Council's informal undertaking to the Court
Enclosure No. 5 – Equalities legislation
Enclosure No. 6 – Letter from Davies Gore Lomax

EXECUTIVE SUMMARY:

The purpose of this report is to outline the funding and other significant implications associated with the traveller site clearance at Dale Farm Crays Hill. Such implications arise following the decision of the Development Control and Traffic Management Committee (originally taken in June 2005 and further reconsidered on 13 December 2007), which has been held by the Court of Appeal to be a lawful decision, to take direct action to clear pitches at Dale Farm, Crays Hill in order to secure compliance with planning enforcement notices.

The Council is not being asked here to re-determine whether or not the Council should exercise its planning enforcement powers. That decision has already been taken by the decisions referred to above.

STRATEGIC IMPROVEMENT PLAN AIMS:

Environment

WARD(S):
All

RECOMMENDATION:

The Leader has set out his recommendations to Council after taking into account all of the considerations in this report.

In this regard, it is essential that all Members of the Council carefully read and give due regard to the considerations set out in this report, before reaching a decision.
Background

Planning breaches at Dale Farm, Crays Hill first came to the Council's notice in 2001. After service of the appropriate notices, the First Secretary of State dismissed various appeals but extended the compliance period by two years. During this time the number of caravans on the site increased significantly, rather than decreased.

In June 2005, the Council’s Development Control and Traffic Management Committee resolved that direct action was necessary to secure compliance with the notices. It was this decision (reconsidered in December 2007) that was then made the subject of Judicial Review proceedings, which were heard in February 2008. At the High Court, it was found that the Council’s decision to proceed with direct action was unlawful. The Council then appealed this decision to the Court of Appeal in December 2008, The Court of Appeal overturned the High Court decision and found that the Council’s decision was lawful. The travellers’ representatives then sought permission to appeal to the House of Lords. This was refused in June of 2009. That decision brought the legal challenge on planning grounds to a close.

Since this time the Council have, alongside planning and preparing for the site clearances here and elsewhere in the Borough, sought to find a means by which the travellers could leave the site, without the need for a forced eviction. Details of this work are further outlined in Enclosure No. 1.

The focus of this report, therefore, is to outline the significant budgetary impact, the risk implications and other various considerations which arise out of the earlier decision to take direct action. This will assist Members in determining whether to approve the additional budget and funding necessary to implement the decision already made. An outline of the operation is detailed below and Enclosure no. 2 further details the many and complex considerations that arise from the operation.

Site Clearance Operation

Whilst this site clearance arises from the breach of planning enforcement notices, it will be an operation of unprecedented scale, risk and complexity and is beyond the normal business of any Council.

The enforcement notices applicable to the 51 pitches subject to this direct action at Dale Farm variously require the removal of fixed and touring caravans, outbuildings and utility blocks, fencing, etc. together with the removal of all hard standing laid in the form of tarmac, brick paving, concrete, etc.

Access to the Dale Farm site is via a road adjacent to an authorised traveller site referred to as the Oak Lane site, Crays Hill. It must be made clear that the Oak Lane site is not subject to or in any way connected with the DCTM’s decision to take direct action at Dale Farm.

The operation consists of removing to safe storage all items that can reasonably be dismantled and transported from site. Provision will be made for the safe, secure and appropriate storage of caravans and possessions from within the caravans and from the plots (including animals where necessary); arrangements for the retrieval of such items will also be provided for, within a reasonable period, however a charge for such storage will be made. Demolition of buildings and caravans is only undertaken where the items
cannot be dismantled or transported; there will be no burning of any items on site during the operation. Once all structures have been removed the hard standing, in whatever form, will be removed and mounded to form bunds, pending final removal from site.

Whilst the purpose of the operation is to remove unauthorised development, there are, of course, families occupying this land that will have to leave prior to the site clearance commencing. It could be anticipated that this could impact upon some 100 families or more, involving perhaps in excess of 400 individuals. Arrangements will be in place to address potential protest and resistance; whilst it is hoped that this will be kept to a minimum and only involve those directly affected by the operation, indications are that there will be a significant presence of other protestors, some of whom have no connection with the site or indeed the travellers’ cause of finding permanent locations to settle to.

In respect of the ongoing needs of the traveller families who will be displaced by this operation, the Council has already given an undertaking to the High Court. This is reproduced in full at Enclosure No. 4 but in summary provides for the ongoing health, education and care needs of the families affected. This requires the support and co-operation of partner agencies with whom the Council has been working very closely.

In addition, the Council is committed to and required by law to meet any homelessness duty that arises from this operation. The Council has been very proactive in seeking applications from as many families as possible and has been processing those accordingly. However, further applications are likely following the service of the 28 day notice of intention to commence the site clearance and once the site clearance commences. Adequate plans must be in place to meet any duties that arise and these are already well advanced.

A major consideration in the planning of this operation has been the means by which general and emergency access and egress can be maintained to Dale Farm, the Oak Lane site and to the wider community of Crays Hill. The road network surrounding the site is very restricted and a traffic management plan has been devised to address this matter whilst minimising the impact on all road users as far as possible.

Other arrangements are also in hand to identify and mitigate other impacts on the surrounding community, to manage the immense media interest on and off site and to respond to potential further unauthorised encampments (involving land not in the ownership of the travellers affected by this operation) and unauthorised developments, which involve further breaches of planning control on land in the ownership of the travellers affected.

Risk and impact assessments have been drafted and kept under constant review to assist in and to guide the planning process and to identify all the measures that will need to be in place to achieve a safe and efficient operation that ensures the protection of all of those involved and meets the undertakings given by the Council. These will be signed off immediately before the commencement of the operation and will guide the delivery phase, but will continue to be reviewed as the operation unfolds.

Significant resources have been allocated to contingency planning, including the assistance of external experts, to ensure that as far as reasonably practicable all eventualities are planned for so that these can be avoided, controlled or responded to effectively.
In order to manage such a large operation on an unprecedented scale, there is a need for a robust multi-agency command structure directing the operation. The purpose of this command structure is to ensure the operation is carried out safely and effectively, to direct resources and manage any situations that arise, which could prevent this objective being achieved.

The planning of this operation has taken many months, involving all partner agencies; this will continue up to the start date. The direct operation is likely to take at least 6-8 weeks in total. However, the subsequent impact on resources is likely to be significant but is impossible to quantify with precision at this stage. Much of the planning has been based on the effective operations already undertaken to clear sites, including most recently those at Hovefields Drive, Wickford, together with improvements arising from effective de-briefing.

However, the challenges presented by this operation cannot be underestimated. The extent and range of the ramifications of it are significant and could be far reaching particularly in view of the high level of other resources required to arrange and support the operation. This will undoubtedly impact on the capacity of the Council and its ability to maintain normal service provision throughout the length of the operation and potentially beyond. For this reason, Enclosure No. 2 provides further detail of the various considerations that must be fully considered before a decision is taken to provide further funding.

Financial Implications

Council Costs:

The indicative costs relating to the site clearance operation, at this stage, are set out in table 1 below:

<table>
<thead>
<tr>
<th>Description</th>
<th>£000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Direct operation cost of site clearance</td>
<td></td>
</tr>
<tr>
<td>Constant and Co. – agents to the Council</td>
<td>2,200</td>
</tr>
<tr>
<td>East of England Ambulance Service</td>
<td>200</td>
</tr>
<tr>
<td>Specialist Fire Safety Appliances</td>
<td>50</td>
</tr>
<tr>
<td>Temporary Accommodation</td>
<td>1,000</td>
</tr>
<tr>
<td>Temporary Advice and Liaison facility</td>
<td>100</td>
</tr>
<tr>
<td>Additional Council resources to support the operation</td>
<td>300</td>
</tr>
<tr>
<td>Additional Council resources for post operation support</td>
<td>250</td>
</tr>
<tr>
<td>Operational Contingency</td>
<td>900</td>
</tr>
<tr>
<td><strong>TOTAL:</strong></td>
<td><strong>5,000</strong></td>
</tr>
</tbody>
</table>

Extensive work has been carried out on the planning of the site clearance action; the costs identified however can still only be treated as indicative due to the complex nature of the operation, the ongoing planning which continues to highlight the challenges presented and the need to thoroughly test the plans ahead of the operation. This may identify further areas to be addressed, with potential resource implications. Similarly significant additional unforeseen costs could arise during the operation itself – anything from the effects of inclement weather to emerging health and safety issues. The overriding priority is that the operation is executed safely and ongoing review of safety arrangements may result in further resources being required to meet this priority.
Additionally it should be noted that following the issue of the 28 day notice the council and its agents and its partner agencies will begin to incur expenditure and make commitments prior to the commencement of the action. If the action is then delayed or suspended for any reason e.g. further proceedings in judicial review, the Council will still be required to fund these potentially substantial costs.

Although the cost itemised above includes an operational contingency there is a real risk that operational expenditure may exceed the £5m indicated. In this instance it will be necessary for an additional budget to be agreed to ensure the safe and successful completion of the site clearance. It is therefore proposed that the Chief Executive and Leader of the Council be delegated authority to approve additional expenditure up to a maximum of £1.5m bringing estimated costs of site clearance to £6.5m.

**Post site clearance costs**

The costs identified above do not have regard to the actions that will or may follow the completion of the operation, including:

- Restoring the land, as required by the notices
- Pre-emptive protection of other parts of green belt, where possible, through legal instruments
- Pre-emptive protection of Council land
- Further litigation – costs and damages could be extensive as outlined in the legal implications section below

It is estimated at this stage that a provision of £1.5m should be made to cover these risks.

**Total Estimated Cost**

The estimated direct operational cost of £6.5m together with estimated post operational costs of £1.5m produce a total of £8m. Options for funding these projected costs are considered below.

**Funding available:**

The following sets out considerations in respect of meeting the Council’s potential funding requirement of £8m.

**Options:**

**Government Support**

The Council applied for funding under section 31 Local Government Act 2003 to the DCLG for an indicative sum of £3m in respect of this site clearance. The funding was refused on the basis that this is a local decision for the Council and as such the costs are expected to be absorbed within our existing budget.

Given the significant sum involved officers investigated the possibility of capitalising the expenditure in order to spread the cost over a number of years. The nature of the expenditure however is such that it does not meet the criteria for capital expenditure as defined in statute, and it must therefore be met from the Council’s revenue budget. The Secretary of State does however have powers to make a ‘capitalisation direction’ in respect of an individual local authority, on receipt of an application, to allow such revenue
expenditure to be capitalised. Capitalisation will allow the local authority to borrow and in this regard the cost of borrowing of £8m, spread over a 10-year period, will result in an annual charge to the general fund of approximately £1.3m.

Guidance in respect of the 2011/12 application procedure for capitalisation directions was issued on 3 March 2011. The underlying principle is that capitalisation should be sought only for costs that are due to factors beyond the local authority’s control and some £300m has been made available nationally. Although, however, applications can be made for a variety of reasons, the guidance focuses on redundancy costs, stating that the intention is to support local authorities who wish to deliver efficiency savings through organisational restructuring. As in previous years, applications are to be assessed by way of an affordability test, which looks at costs as a percentage of available reserves and an exceptional difficulties test. It should be noted that the criteria under the exceptional difficulties test include that the expenditure is unavoidable (for example, because it relates to statutory duties or contractual or other commitments) and that the financial difficulties are of an extreme nature.

Given these strict criteria, the emphasis on the redundancy cost issue and the potential scale of applications nationally, it is likely that the £300m will be over subscribed. Once this guidance has been more fully digested, officers will consider the merits of making an application. It should be noted that even if successful, any such application may be scaled back (for example in 2010/11 Basildon applied for £1m in respect of single status back pay costs which resulted in a capitalisation direction of £10,000). The deadline for applications is May 12 2011, with the Minister’s decision expected in July and the outcome may therefore not be known prior to the need to commit the resources for this action.

It is therefore necessary, at this stage, to provide the full £8m funding directly from the Council’s general fund revenue account supported by the use of the contingency reserve.

As highlighted in the recent budget report, whilst the Council has a reasonable level of reserves, this must be considered in the context of the level of potential financial risks and uncertainties, particularly the outcome of single status. Given the extent of contingent liabilities highlighted, it is important that Members give careful consideration to the level of resources potentially allocated and expended on this one issue and its proportionality in the context of other identified risks.

Council Funding

On 28 February the Council approved a general fund budget for 2011/12 of £28m which included the need to identify efficiency savings of £2.4m, rising to £3.6m in 2012/13 with further efficiencies required up to £5.4m by March 2015. The decision included approval of a balance on the contingency reserve at 31 March 2012 of £7m.

In arriving at this decision members had regard to a detailed summary of the significant financial risk and uncertainty facing the Council over the medium term financial forecast. Such risk did include the potential for significant expenditure in respect of gypsy/traveller site clearance (to the extent that other funding was not available). Other significant risks identified included single status, uncertainty of future year’s government grant levels, Sporting Village land disposals, Basildon Town Centre regeneration and other regeneration schemes, the uncertain future economic climate, the golf course and a whole range of demand led and other variable factors.
There is a budget provision of £300,000 in 2011/12 for planning enforcement activity not solely in connection with unauthorised Gypsy/Traveller sites. It is therefore not considered appropriate to utilise this budget in respect of this specific action.

With regard to the costs identified above therefore it is proposed that initially a provision of £5m in respect of the costs detailed in table 1 above be established in the 2011/12 revenue budget. It is anticipated that as at 31 March 2011 there will be £1.5m available from the current budget allocation for planning enforcement and that this will be carried forward towards the cost of this action in 2011/12 leaving a balance of £3.5m to be funded from the contingency reserve.

The allocation of £3.5m to meet the initial identified cost of this action would therefore reduce the balance on the contingency reserve from £7m to £3.5m at 31 March 2012.

Given the other significant risks and uncertainty identified above as well as the potential for still further costs associated with this action both operational and in respect of future litigation proceedings it is recommended by the Council’s S.151 Officer that this reserve is returned to a balance of £5m by 31 March 2013.

In order to achieve this further revenue efficiency savings will therefore need to be delivered by 31 March 2013 of £1.5m raising the targeted efficiency savings to be found by March 2013 to £5.1m.

In respect of the further £1.5m potential expenditure to address extreme circumstances during the operation (to be agreed between the Chief Executive and Leader) this again will in the first instance need to be met from the contingency reserve. Given this, further efficiencies would be required. This would potentially result in raising the efficiency savings target by March 2013 to £6.6m. At this level, this would likely result in service and workforce reductions. In this regard full service impact assessments would need to be undertaken.

Given the significant financial challenge and potential service impact arising from an efficiency target of up to £6.6m, it may be necessary as soon as costs can be more accurately determined following the action for Cabinet to reconsider the Council’s overall medium term financial strategy. This will include careful consideration of the financial and service impact, future efficiency targets, levels of reserves and future council tax levels.

Comments of the External Auditor

The details of the costs and funding outlined above have been discussed with the Council’s External Auditor. Whilst she is unable to directly influence the democratic decision making process, this is a decision area which she will consider as part of her statutory duty as the Council External Auditor. At this stage, however, she has indicated that it is essential that the officer report ensures that Members, in reaching a decision, are fully cognisant of the following:

- The total liabilities arising to the Council from this operation, and that such liabilities can only be estimated at this time;
- The proportionality of the expenditure when judged against the benefits to the community;
- The Council’s overall financial position having regard to the other risks and uncertainties facing the Council;
- The appropriateness of the current and future levels of reserves;
• The proposed impact on the level of efficiencies taking into account the challenging levels already approved in the Council’s recent setting of the budget;

• The potential detrimental impact on the Council’s Medium Term Financial Strategy, which has to date been very well managed;

• The overall reasonableness of this expenditure in value for money (VFM) terms, on which the External Auditor will comment in the Annual Audit letter

Conclusion:

Members will appreciate that the proposal to commit a potential of £8m of the Council’s resources to this operation, together with a need to increase the efficiency target potentially by a further £3m by March 2013, presents them with a very significant decision. This is particularly pertinent given that the costs and liabilities at this stage are so uncertain. Members must additionally realise that the exposure of the Council to further costs and liabilities, beyond the £8m, would seriously undermine and potentially put into jeopardy the Council’s medium term financial sustainability and put continued service provision at risk.

In making such a decision, it is absolutely essential that Members have due regard to all relevant factors.

Other Partner Agencies’ Costs

Detailed below are the costs arising to the partner agencies from this operation. Except where indicated, the Council will not be responsible for meeting these costs.

Essex Police: A joint funding application for special grant of an indicative sum of £9.2m representing policing costs, in the worst case scenario, was submitted to the Home Office to meet the additional police costs over and above those that Essex Police could reasonably allocate to this operation, which has been indicated to be £3m. A response from the Home Office has not yet been received.

In the event that the additional police costs are not fully funded by the Home Office, it may be expected that either the Home Office or Essex Police Authority may seek a contribution from Basildon Borough Council. Given the extent of the financial commitment referred to elsewhere in this report and the principle that Basildon’s residents should not be expected to make a further contribution through their council tax to another precepting body, it is considered that the Council should not, under any circumstances, agree to meet any costs incurred by the police as part of this operation.

It can therefore be seen that the amount of any grant awarded (and any further resources that the Police Authority make available) will determine the level of support the police will be able to give to the operation and may affect its timing, design and execution.

Aside from the resources for the operation, very extensive resources have already been committed to this project by Essex Police, specifically around the planning and command arrangements.

Essex County Council: Other than in connection with certain highway matters, Essex County Council is not able to charge the Council for those duties that they must perform, in any event. These include provision of arrangements for vulnerable children and adults, continuity of provision of education, etc. However, as with Essex Police, Essex County
Council has already committed significant resources to this project around joint planning and command and in preparing their own plans to enable them to respond accordingly.

Essex County Fire and Rescue Service: As with other partners, Essex County Fire and Rescue Service has already contributed significant resource to the planning of this operation. Their involvement during the operation, over and above their participation in the command structure, falls to them as part of their routine activities. However, the dedicated use of certain specialist fire safety appliances is an additional cost that will have to be met by the Council, as detailed in the cost schedule above.

East of England Ambulance Service: As with other partners, resources from this organisation have already been contributed to the planning of this operation. In order to ensure that sufficient dedicated resources are available to support the operational phase, additional costs may be incurred by the Trust, for which it is entitled to charge. These cannot be fully quantified until the final detailed plans are complete. However, a sum of £200k has been allocated as providing a reasonable level of expected cover.

NHS South West Essex PCT: Again significant resources have been allocated to this project during its planning stages, both in joint planning activities and in ensuring that the organisation is prepared to meet the various duties that will arise to support travellers, specifically that ongoing medical care continues to be provided after they depart from the site.

Whilst the Council is not required to meet the costs of its partners agencies (except where stated), the impact of such resource commitments made by them on the public purse, at this most difficult time economically, should not be under-estimated.

Legal Implications

Whilst the Court of Appeal confirmed that the powers contained in Section 178 of the Town and Country Planning Act 1990 can legitimately be used to ensure compliance with extant enforcement notices in this type of situation, the Town and Country Planning Act does not make specific provision for all ancillary operational issues. Accordingly, it is necessary for the Council to use the powers contained in supporting local government and other legislation in undertaking the site clearances to ensure the operation is achievable. Decisions have to be made based upon the legislation and guidance existing at this time, which can always be subject to change either as a result of amendment to legislation or guidance as well as developments in case law. Whilst officers will continue to take all reasonable steps to ensure that the Council’s actions are lawful, it is impossible to guarantee the outcome of possible future challenges concerning decisions made and actions taken in relation to what is a significant law enforcement operation. To this end, Members need to be aware that such legal action could include claims for compensation.

The Council is currently facing a challenge in the Court of Appeal in relation to the offer of “bricks and mortar” to three traveller applicants, who have a cultural aversion to living in houses. No date has yet been set for a hearing but should this appeal be determined before the completion of the action and if it is upheld (i.e. goes against the Council), such a decision could have significant ramifications for the Council in meeting its homelessness duty and therefore have a direct impact on the commencement or completion of the proposed clearance operation.
Such challenges and further potential litigation is likely to result in a delay to the action (either commencing and/or completing); if this occurs, after the Council has made contractual or other commitments to contractors and partners, the Council may have to fund abortive costs and/or compensate those if it subsequently transpires that the Council has made an unlawful decision or taken an unlawful step. Officers have taken steps to mitigate this by agreeing appropriate indemnities.

In addition, it is possible that the decision arising from this present item of business might be made the subject of judicial review, as can any decision made by the Council. For this reason, Members are reminded that when reaching a decision on this matter, it must act reasonably and rationally and that discussion, debate and decision making must be guided by logical reasoning, sound judgement and the final decision will correspond to the facts on which it is based. Decisions can also be challenged on the basis of a lack of proportionality. Members must have in mind all relevant considerations.

Equalities and Human Rights Implications

The Council is under an obligation in carrying out its functions and policies to comply with a variety of obligations in connection with anti-discrimination and human rights legislation.

In making a decision concerning the financial and other implications which arise out of the decision to take direct action in respect of Dale Farm, it is obligatory for due regard to be had to the various limbs of the current equality duties.

The Equality Act 2010 replaced the existing anti-discrimination laws with a single Act. Much of the Act was brought into force with effect from 1st October 2010. Direct discrimination is prohibited by the Act. It involves a person treating another person less favourably than he treats or would treat others, because of a "protected characteristic". “Protected characteristics” under the Equality Act, in respect of direct discrimination, mean age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. So, for example, it would be unlawful to treat a person less favourably, in relation to planning control, because he is a gypsy.

Equally, the Act prohibits indirect discrimination by the Council against another in relation to a relevant protected characteristic of that other person. The "protected characteristics" under the Act for the purposes of indirect discrimination are the same as for direct discrimination, except that “pregnancy and maternity” is not included. In broad terms indirect discrimination would arise where the Council applies to that person what would appear to be a neutral provision, criterion or practice (“PCP”), which puts that person and other members of the same group at a particular disadvantage when compared with others not in the group and the PCP has no legitimate aim and is disproportionate. So, for example, although enforcement of planning control on Green Belt land might adversely affect gypsies as compared to non-gypsies, it can be lawful if for a legitimate reason, such as the maintenance of the Green Belt, and if it is proportionate, for example where the harm to the Green Belt outweighs the harm to the occupants by reason of the enforcement action.

There is an added protection under the Act for those with a disability, over and above the protection conferred by the prohibition against direct and indirect disability discrimination. By virtue of Section 29(7) the Council as a body which exercises a public function that is the provision of a service to the public or a section of the public is under a duty to make...
reasonable adjustments for a person with a disability to avoid the disadvantage which any PCP that it applies causes that person. There is also a duty under the Act not to treat a disabled person unfavourably because of something arising in consequence of his disability, unless that treatment is justified. The duty to make reasonable adjustments and not to treat unfavourably may be relevant where occupiers are disabled and consideration is being given as to how precisely enforcement action will be carried out to reflect this duty.

The Act also includes a new Public Sector Equality Duty (PSED), which replaces the separate duties on public bodies relating to race, disability and sex equality, and this new duty also covers age, sexual orientation, religion or belief, pregnancy and maternity, and gender reassignment. This general duty comes into force on 6 April 2011. On this date certain specific duties also come into force by secondary legislation. Prior to this date the existing race, disability and sex equality duties continue to be in force and the new single PSED is not in force. Since the enforcement action will occur wholly after 5 April, Members will need to have regard to the PSED as well as and not just the existing three equality duties, and be satisfied that there is no breach of the PSED or existing equality duties.

A copy of s149 of the Act, which contains the PSED, is attached to this report at Enclosure no. 5.

In summary, although the position is more complex than this, and the legislation needs to be read in full, there is an obligation on the Council in the exercise of its functions and provision of its services to have due regard, in connection with the protected characteristics of age, disability, gender re-assignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation, to have regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity and to foster good relations.

To advance equality of opportunity means to (1) remove or minimise disadvantage, (2) to take steps to meet the needs of those who share a protected characteristic, and (3) to encourage those who share a protected characteristic to participate in public life or other activities where they are under-represented.

In the present circumstances, the characteristics of race, religion and disability will be of particularly important relevance. A large number of the residents of the site are represented by Messrs Davies Gore Lomax, Solicitors, who in correspondence to the Council on 26 January 2011 have referred to these three characteristics.

There is as yet no statutory Code published by the EHRC relating to the PSED. However, certain non-statutory guides have been produced by it for public authorities relating to the PSED: (1) the essential guide to the PSED; (2) equality analysis and the equality duty; (3) engagement and the equality duty; (4) equality objectives and the equality duty; and (5) equality information and the equality duty. The first of these volumes provides the main overview of duty requirements. The other volumes provide additional practical advice and advice on best practice.

The current equality duties as regards sex, race and disability in summary require the Council in the exercise of its functions and provision of its services to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation, advance
equality of opportunity between different groups, and foster good relations between different groups. A copy of the legislation containing the relevant duties has been attached to this report at Enclosure No. 5. Again, it needs to be read in full for its full effect.

Equally, under Section 6 of the Human Rights Act 1998 it is unlawful for the Council as a public authority to act in a way which is incompatible with a Convention Right. Those Convention Rights include Art. 8, the right to respect for private and family life, Art. 1 to the First Protocol, relating to the protection of property, and Art. 14, which provides that the enjoyment of the rights and freedoms set out in the Convention shall be secured without discrimination on any ground.

As described previously, operational service and community impact assessments have been drafted which help guide the operational planning to achieve the end objective with the least impact on the residents at Dale Farm and other residents affected by this action, as can reasonably be achieved. They also guide the mitigation measures that must be in place to further reduce the impact as far as reasonably practicable. In this regard, in the event that the recommendations to the Leader’s report are approved, the 28 day notice of intent to commence the site clearance will be served. However, the timing of this will result in the site clearance coinciding with the Easter religious festival. For this reason, accompanying notes with the notice will make it clear that the operation will not commence during this time.

In addition, the Solicitor to the Council (on behalf of the Council) gave an undertaking to the High Court concerning a number of issues connected with how the Council might undertake a site clearance including suggested mitigation measures. Whilst this undertaking is not enforceable by the Courts (as compliance can only be ensured with cooperation from partners, local residents and travellers living on the site) operational plans continue to be reviewed against these undertakings and all reasonable steps taken to ensure compliance with the undertaking in the spirit with which it was given. A copy of the undertaking is attached at Enclosure No. 4.

One of the measures identified early in the planning process was for appropriate equalities training to be undertaken by the Council’s contractors, Constant and Co.; it is envisaged that further training to that which has already been undertaken will be provided. Similarly, appropriate updated equality training will also be provided for any Council staff who are on site during the operation and key personnel connected with the site clearance.

A full consideration of individual personal circumstances and human rights issues was undertaken in reaching the decision to approve direct action. Whilst the determination of this item of business is not a reconsideration of that decision, Members should be aware that personal circumstances are constantly reviewed using data (in an anonymous form) from the Council’s partners to inform the planning for the operation. It is for this reason that all eventualities are being planned for with our partner agencies to ensure the ongoing well being of all those on site.

A letter has been received from travellers’ representatives indicating that Members should have regard to the personal circumstances of the current occupiers of the site. That letter and its enclosures is contained at Enclosure No. 6.
A Service Impact Assessment in relation to this issue has been undertaken and can be found at Enclosure No. 3 to this report.

Risk Implications

Clearly, there is a need to separate the risks associated with the strategic decision to fund this operation (or not) from the operational risks arising from the operation itself.

In respect of the strategic risks, those arising in connection with the financial position have been detailed in the financial implications section above. However, in this regard, other potential risks associated with committing such a significant level of expenditure to this proposed action, particularly in this current economic climate include:

Community Related: There may be an adverse response to the Council and its reputation:

- Given the background of local concerns around land sales to fund the Sporting Village;
- Other budget decisions, already taken, such as the cancellation of the BasFest and reduced monitoring of CCTV and any future decisions to deliver current efficiency targets or any increased targets necessary to fund the action, especially where these result in service cuts;
- If local communities and voluntary groups are denied access to council funding to support them during the current economic climate or to support Big Society initiatives.

Government Related:

There is a risk that in making finances available on such a scale for this operation, future applications to central government for funding assistance, including for example appeals against RSG damping mechanism, the waving of claw back, etc., may be more difficult to secure.

Staffing/Trade Unions:

There is a risk that the reputation of the Council, as an employer of choice, will be adversely affected by the allocation of funds on the potential scale anticipated for this operation and the level of further efficiencies required to achieve this, which may result in further job losses (over and above the 100 FTE already announced) and the increased work load pressure on the remaining staff.

The risks associated with the legal position are detailed within the legal implications section of this report.

The remaining strategic risks of agreeing to the funding are detailed below:

- The action referred to in this report does not achieve a lasting and effective remedy to breaches of Green Belt planning policy;
- Delivery of other council services and priorities, as staff resources are dedicated to this operation for an extended period of time, will be adversely affected;
- The reputation of the Council could be affected in different ways; locally this may be positive as an ongoing breach of planning control is remedied but nationally and internationally, with less knowledge of the facts of the case, Basildon’s reputation as a good place to live, work, visit and invest, may be damaged. It may be considered that
Basildon Council and its residents are not tolerant or accommodating of the diverse needs of today’s multi-cultural society and that newcomers may not be welcome;

- In addition, whilst the initial enforcement action may enhance the reputation of the Council locally, there is a risk that resulting dispersal and further breaches of planning control and/or acts of trespass may adversely affect the reputation of the Council, particularly if these breaches cannot be tackled in a timely fashion during the operation. In addition, such dispersal may start to impact on a greater number of communities around the Borough (and beyond) and in more prominent or environmentally sensitive areas;
- There is an opportunity to demonstrate how public sector agencies and private companies can work very effectively together to achieve a stated community outcome. The role that the Council has played in the matter provides an opportunity to enhance its reputation with its partner agencies and with Government departments.

The strategic risks of not agreeing to the funding are detailed below:

- The integrity of the rule of law and national and local planning policies will be significantly undermined;
- Other residents and businesses may take encouragement to commit breaches of planning control;
- There could arise third party action against the Council for failing to administer planning law in relation to enforcement action;
- The reputation of the Council, particularly as regards the settled community in Crays Hill, but also other residents of the Borough, could be severely damaged;
- The impact on community relations in Crays Hill and the wider community, between the travellers (both living on non-authorised and authorised sites) and non-traveller residents could be harmed, arising from a perception that one part of the community are ‘allowed’ to do something other members of the community are not;
- There could be adverse media coverage, which has consistently reported the Council’s determination to resolve this matter.

The operation itself is subject to very detailed and separate risk assessments as well as a joint risk assessment compiled with partner agencies. This includes detailed assessment of the risks arising to the organisation, its staff, its contractors and partners, the travellers affected by the action and the impact on the wider community of Crays Hill.

**Alternative Options**

There is an option for the Council to defer this decision, pending the delivery of more authorised pitches across the county and region, through the strategic planning processes by which sites are identified, assessed and allocated for gypsy/traveller site provision. It is widely recognised that the national shortage of G/T pitches, which is particularly acute in the Eastern region and specifically Essex, is a major contributing factor to the continued occupation of unauthorised sites by the G/T community. There remains, at present, a duty to allocate land for pitches through the requirements of the regional spatial strategy and whilst this is expected to be revoked in the near future, it will be replaced by a duty to review the need for pitches by undertaking a G/T accommodation assessment (GTAA), and if necessary allocate land for pitches. It is understood that no GTAA for any Essex council has determined the future provision to be nil.

The previous work undertaken to find a comprehensive package of sites across Essex which could accommodate all of the travellers from Dale Farm demonstrated the potential for delivery when local authorities and other public agencies with land assets worked
together in a focused and determined way. Further details of this work are contained at Enclosure No. 1.

Government funding of £60m available for the period 2011/15 to support the delivery of G/T sites is once again available, through the Homes and Communities Agency (HCA), which reduces one of the barriers to travellers wanting to move from unauthorised pitches in which they may have invested considerable sums of money to undeveloped, but authorised, sites.

The Council has received a planning application for a new traveller site at Pound Lane, Basildon, which at the time of publication of this report had not been validated. Traveller representatives have indicated that a further three alternative locations are also being actively pursued in the Borough. In addition, work is being undertaken with HCA, Registered Social Landlords (RSL’s) and Essex County Council (ECC) to identify potentially suitable sites outside of the Borough.

Given that the Council is yet to validate or determine such applications it is not appropriate to speculate as to the likelihood of any of them being approved. Thus, it cannot be said with any certainty that any additional traveller sites will come forward in the short to medium term.

In addition, ‘windfall’ applications for sites may also be approved around the county and region, thereby increasing the number of authorised pitches available to the G/T community.

Clearly, the provision of additional authorised pitches around the county and region would provide a more sustainable solution for the traveller families affected by the proposed direct action.

The Equalities and Human Rights Commission (EHRC) and the United Nations (UN) have both raised concerns about the Council’s position and consider that direct action should not be taken until suitable alternative accommodation for those affected by the operation to move to, in the form of pitches, is available.

There is also an option for Council not to approve the additional budget required to execute this operation, with the consequent result of suspending the enforcement action, resulting in the ongoing breaches of planning control being tolerated.
Details of the Engagement Work Undertaken to Identify Alternative Sites

In pursuance of the “engagement” stream, a working group was established consisting of representatives from Basildon District Council (BDC), Government Office for the Eastern Region (Go East), Essex County Council (ECC) and Equalities, Human Rights Commission (EHRC) and the traveller community. This group was also assisted by the contribution of Mr Richard Bennett, a councillor for Reigate and Banstead Borough Council and former chairman of the Local Government Association (LGA) Task Force on Gypsies and Travellers.

A sub-group of this group was formed to take forward detailed deliberations and consisted of all of the above except EHRC and G/T representatives but included representatives of the Homes and Communities Agency (HCA).

Guiding Principles:

It was necessary to draw up some framework within which the group could focus its efforts and achieve a common understanding of intended outcomes. Guiding principles for the work of the group were established as:

- no unauthorised development would be created by this work i.e. sites to which travellers would move must have appropriate planning permission, either currently or with a realistic prospect of obtaining it;
- the current level of unauthorised occupation should be distributed to sites within and without the District of Basildon;
- land must not be in the metropolitan green belt;
- no newly created site could exceed 15 pitches but would more preferable accommodate 8-12 pitches; this meant that a package of some 6-8 pieces of suitable land had to be identified and brought on stream together to provide a realistic alternative to site clearance for all those involved (i.e. the traveller families affected by site clearance, Basildon District Council and the other local authority areas to which some travellers would relocate and the residents of Essex more broadly).
- land currently in public sector ownership was most likely to provide, at least, temporary accommodation; temporary in this context meant approximately 3 years. The thinking was that land identified for a future use may be available for a temporary period, pending the up turn in the economic climate. In addition, the RSS targets allocated by the East of England Single Issue Review of accommodation for gypsies and travellers had a first delivery date of 2011. It was hoped that local authorities would utilise the temporary accommodation option to 'buy time' pending development of their full G/T DPD's.
Over 30 sites around Essex were evaluated, including some in the private sector that at first look seemed suitable. The search extended to potential land in the estates of the Ministry of Defence, the Ministry of Justice and residual ‘British Rail’ land. This resulted in a short list with most potential, albeit each site presented some challenge. However, it was recognised that as this was a temporary solution and faced with the alternative of large scale site clearance, the challenges would have to be overcome in some way.

Alongside the site search, discussions also focussed on such issues as funding the potential developments, management options for the sites and the means by which future unauthorised occupation of the vacated pitches could be secured from further breaches.

Whilst good progress was being made on this stream of work, this had to be reviewed when the coalition government suspended and subsequently revoked the regional spatial strategies. (The regional spatial strategies have been reinstated following court action but will be abolished by the Localism Bill, when enacted.) It was the target for pitches set within the RSS for the East of England that provided the group with the opportunity to encourage other local authorities to provide additional pitches; in addition the HCA funding for G/T sites was significantly reduced, although further funding has now been made available once again.

However, a breach of confidentiality occurred that significantly undermined the confidence of the Council in continuing with the working group. This also resulted in an inaccurate portrayal of the work of the group and the principles that it was working to, as well as misleading reporting on the intended outcome of the work. For this reason, Basildon Council withdrew from the process.

Subsequent to this work, the Council, together with John Baron MP, is continuing to seek means by which sites can be brought forward around the county and region, as detailed under the alternative options section of the main report.
OTHER CONSIDERATIONS REGARDING THE SITE CLEARANCE OPERATION

Dispersal and threats to other parts of the Borough

It is probable that as a result of the site clearance action at Dale Farm, some traveller families will move onto sites within and outside of the Borough, some of which may be in their ownership and others not.

Where the Council is already aware of sites which it believes could be unlawfully developed, various legal instruments have already been put in place to provide some additional remedy in the event of future planning breaches. However, no power is currently available to the Council to prevent a breach occurring in the first instance as there are no powers to prevent entry by travellers on to such land. Whilst the operation is in progress, every effort will be made to address any potential breaches. However, such breaches could still involve further lengthy legal processes during which further costs will be incurred again by the Council.

In respect of trespass onto land not in the ownership of travellers, it will be expected that the land owner will utilise the Courts to gain possession of their land. On land in the ownership of the Council, such action will be taken as soon as possible, within the resources that will be available. In the event of trespass, the Police also have powers to move travellers on, although certain criteria apply to its use. However, during the operation the Police resources will have to be focused on the site clearance and they may not be able to respond as quickly to cases of trespass as they would under other circumstances.

Given the lack of available pitches within the remainder of the County (and regionally), it is highly likely that incidents of unauthorised development and unauthorised encampment (trespass) will also arise in neighbouring boroughs and districts.

Housing/Homelessness

It has always been recognised that the Council’s homelessness duties will arise in respect of many of the families affected by the site clearance. In preparation for this, the Council has been proactive in seeking applications from families currently living on the site. It is most likely that further applications will be submitted once the 28 day notice of intention to clear the site is served. Every effort will be made to determine these applications prior to action commencing but interim provisions are available where this is not possible. In addition, it is likely that some travellers will present themselves to the Council at the start or during the operation. Again interim provisions are available pending determination of such applications. It should be noted that the site clearance can proceed even if applicants are pursuing appeals against decisions made in respect of their application.
Such appeals are more likely in the event that the only suitable accommodation available when the duty arises consists of “bricks and mortar” rather than a pitch. Whilst every effort will be made to locate available pitches, the shortage of such is likely to mean that most offers will be in some form of “bricks and mortar” accommodation.

Additional resources and additional arrangements will be in place to meet the likely demand during this time, whilst still maintaining a service to remainder of the community for whom housing needs may arise.

As stated in the background, the Council will have a duty to store in a secure and appropriate manner any goods and chattels that cannot be accommodated with the families where homeless duties arise.

In addition to this, the Council will ensure that appropriate facilities are in place for any property (including mobile homes, caravans, temporary structures, personal possessions etc) which can reasonably and safely be removed from the site to be placed into secure storage. These arrangements will be for a temporary period and are at additional cost to the site occupant.

It is recognised that many travellers on this site possess religious artefacts, for which special arrangements are being made to ensure their respectful and safe removal and storage, where such is required.

As previously stated, special arrangements will also be in place for the safe keeping of any animals that need to be removed from site.

Where it is not possible for any property to be placed into storage (e.g. because it would be unsafe to do so or is not possible without causing damage) then any property will be dismantled and disposed of at the site.

Proper arrangements will be in place for the collection of all property and animals at a later date.

**Staff and Members of the Council**

There are significant resource implications in the taking of direct action both initially and ongoing at Member and Officer levels. At officer level, this issue has affected practically every service in the Council with particular impact on Housing/Homeless, Marcomms, Planning and Legal Services. It has also had a major impact on the Executive Team and Leading Members. Additional temporary resourcing has been arranged and the Financial Implications section sets out the need for ongoing resources to be agreed.

It must be appreciated that due to the very unusual nature of this operation, staff are being required to perform roles outside of their traditional training and experience. This brings an added dimension to the risks faced by the Council and the individuals involved. In particular, it should be noted that officers carry personal liability for their actions. In this regard, officers must be supported and enabled to carry out their responsibilities as they see fit.
Some council staff will be required to be on site or close to the site at the commencement of and during the operation and such presence will be required for a significant period of the operation. In addition, some services and the command structure will need to be resourced 24/7 for some time after the commencement of the operation. Full risk assessments will be completed prior to the commencement of the action and kept under review during the operation but it can be appreciated that the nature and scale of the operation will place very high levels of pressure on staff. One of the control measures to manage such pressure is to ensure that there are sufficient trained and skilled staff available to resource an appropriate rota covering all the duties. This will have a knock-on effect to the delivery of some council services during the period of the operation. It must further be appreciated that there will be an ongoing impact to the delivery of services after the operation is completed, albeit to a lesser extent.

Taking direct action also poses potential threats to the personal safety of Members and Officers. Awareness training in these aspects has been made available and will be repeated to all of those involved and other measures are in hand for those considered most at risk.

**Engagement of Contractors**

The Council has engaged the services of Constant and Co. to provide specialist resources to the Council for the carrying out of this operation. This followed a full procurement exercise under the EU and Council’s procurement rules, which was determined by Cabinet in December 2009.

Members will be aware of criticisms being made of the conduct of Constant and Co. during previous operations outside and within the Borough. All allegations made in respect of the Council’s contract have been fully investigated and the allegations found to be unproven. It is clear that the standards demanded of the Council’s contractors are the same as for its directly employed staff and there is nothing to suggest that the contractor cannot meet the high standards demanded of them; as with all contractors, proper monitoring arrangements are in place to ensure full compliance with the standards expected. In addition, the police have a responsibility to ensure law and order is maintained when the Council’s contractors carry out any action authorised by the Council.

**St Christopher’s Community Centre**

Essex Youth Council secured funding for a log cabin to be erected on the unauthorised Dale farm site, which was intended to be used for educational, religious and general community activities.

The Council’s intention is to dismantle and remove this wooden structure to safe and secure storage when the hard standing is removed. The Council will also make arrangements for the building to be reassembled in a suitable alternative location, once identified and after the completion of this operation.
Indemnities for Officers and Members

In 2005, Council approved relevant indemnities for Officers and Members in accordance with the provisions of the Local Authorities (Indemnities for Members and Officers) Order 2004. In view of what has been detailed in this report, the position concerning this issue has altered little since members approved the provision of indemnities for all relevant members and officers at the time and should remain in place. A dispensation for members to vote in relation to the member indemnity was obtained from the Standards Committee on 8th July 2005.

For ease of reference it was reported in 2005 as follows:-

Under the Local Authorities (Indemnities for Members and officers) Order 2004 indemnity will be sought for relevant members and officers. This would ensure that they will not be personally liable for any acts they take on behalf of the Council in complying with the decisions by members of the Council provided they have a reasonable belief that their actions are within the powers of the authority. This would include the Council funding all expenses in connection with any potential claim brought against them in their personal capacity. Furthermore, in the unlikely event that the Council’s actions were found to be beyond the Council’s powers in law, any legal liability would fall to the Council and not the individuals in their private capacity.

The Council meeting on 14 July 2005 made the following decision:-

That Members and Officers who carry out any duty or function on behalf of the Council in relation to authorised direct action be fully indemnified in accordance with the Local Authorities (Indemnities for Officers and Members) Order 2004.

It must be noted that such indemnity cannot include any criminal liability of individuals e.g. a charge for corporate manslaughter or criminal liability of the organisation e.g. breaches of health and safety. In addition, the indemnities do not extend to cover defamation actions brought by council members or officers in relation to this issue.

Police Support

The role of the Police in such an operation is to prevent and address breaches of the peace, to protect life and property, prevent and detect crime and where necessary activate contingency plans coordinating with other emergency services in the event of immediate threat to life situations. To carry out their role will require significant police resources for a sustained period and is a critical factor for the operation. There will be a very large number of people present in the vicinity and on site at the commence of the operation, including a very high level of media and, as stated elsewhere in the report, there is the potential for significant levels of protest, which may, at worse, turn violent.
In addition to the obvious visible presence of police at the site and in the surrounding area to provide some community reassurance, significant police resources have already been and will continue to be dedicated to the planning of the operation. The police are a significant party to the Strategic Co-ordinating Group, the command structure overseeing the operation and will have to deploy a number of specialist police teams to tackle the wide range of situations that may arise during the operation. The number of officers in total that will be required to police this operation, whilst still maintaining proper police cover for the remainder of the Borough and the rest of Essex, far exceeds the resource directly available to Essex Police. It is for this reason that mutual aid will need to be relied upon from other police authorities to resource this action.

In addition to human resources, the police will also need to have available the infrastructure that supports a police operation of this scale. This includes such facilities as a tactical holding area. In order to assist the police and to reduce the costs of the operation wherever possible, this will be located on council owned land. For operational reasons, the exact location cannot be revealed at this time.

**Restoration of the Site**

The planning enforcement notices relevant to this action require the land to be returned to its former condition by levelling and re-cultivating with grass seed, after the clearance of buildings, hard standing, etc. No decision has been made by the Council how such restoration will be carried out and no budget has been allocated for this, within the costs of the site clearance operation.
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Service Impact Assessment Report Template

Decision to provide a budget for a approval for the eviction at Dale Farm Cray's Hill

Date Impact Assessment started: 22/02/2011
Date Impact Assessment completed: 04/03/2011

[If Interim Report only]
Most recent Updating of this Document: 

Current position: Initial Assessment [X] Initial Action Plan [ ]

Next Step: Full Assessment [ ] Full Action Plan [ ]

Next Step: Progress Targets in Action Plan [ ]

Next Step: No Further Action [ ]

Once you have filled this document please send a copy to the Inclusion & Diversity Officer, shamrika.sydes@basildon.gov.uk
Guidance on Completion

1. Usage
   1.1 This template is used to record the details of the Service Impact Assessment (SIA) of the Council’s policies and functions.
   1.2 The conclusions and recommendations of the report are used to inform policy development prior to implementation or to make changes to policies that have been implemented.

2. Stages of Assessment
   2.1 The SIA process has two stages (‘Parts’), Initial and Full Assessment.
   2.2 Initial Assessment must be completed before Full Assessment can be carried out.
   2.3 Each stage of the assessment must be approved by the relevant Head of Service.

3. Reporting & publication of SIAs
   3.1 An electronic copy of each assessment (whether initial or full) must be sent to the Inclusion & Diversity Manager within a month of the person responsible receiving training.
   3.2 Where appropriate, this must include an action plan where recommendations are made, with names responsibility and deadlines for meeting targets.
   3.3 The Inclusion & Diversity Manager will then ensure that the EIAs are published on the website.

4. Definitions
   4.1 SERVICE IMPACT ASSESSMENT
   In Basildon DC, Service Impact Assessment (SIA) is a process of systematically exploring the potential for a policy or function to have unequal impact on a particular group or community and also of considering the equality duties imposed on the Council under the Sex Discrimination Act 1975, the Disability Discrimination Act 1995 and Race Relations Act 1976, and the public sector equality duty (“PSED”) imposed on the Council under the Equality Act 2010. The impact assessed includes that of a policy or function on employees, existing and potential service users, the wider community and, where relevant, staff employed in contracted-out services.

   Impact assessments in Basildon consider the potential for the policy or function to have unequal impact or a detrimental effect on any group likely to face disadvantage. This includes groups defined by their age, race, sexual orientation, gender reassignment, marriage and civil partnership, disability, religious belief, sex and pregnancy and maternity. The groups are defined as protected characteristics under the Equality Act 2010.

   As well as addressing the wider equalities and diversity issues, officers should also ensure that their impact assessments identify and act upon issues of community cohesion. Officers will be asked to:
• Ascertain whether there is evidence that certain communities/groups are segregated from the wider community.

• Consider if there is a way of changing the policy or function to tackle segregation and promote contact between various groups for example cross-cultural contact, intergeneration contact, multi-faith contact, etc.

• Carry out targeted consultation with identified communities/groups, where there is evidence of segregation.

4.2 POLICY
“Policy” has a very wide definition. For example, the EHRC guide entitled “Equality Analysis and the Equality Duty” says: “Policy needs to be understood broadly to embrace the full range of your policies, practices, activities and decisions: essentially everything you do, whether it is formally written down or whether it is informal custom and practice. This includes your existing policies and any new policies under development.” There was a similar definition given by the CRE in its guidance: “You should take ‘polices’ to mean the full range of formal and informal decisions you make in carrying out your duties, and all the ways in which you use your powers – or decide not to. You should therefore include in any assessment of a policy an examination of long-standing ‘custom and practice’ and management decisions, as well as your formal written policy.” Both definitions reflect the need for the general duties and the PSED to be adhered to throughout all activities within an Authority.

4.3 FUNCTION
This represents a collection of Council activities that have a common and clearly defined purpose. This can be defined in terms of its statutory duties and powers, or the organisational structures that the Council has chosen to adopt. The term includes functions, which are directed internally such as Human Resources and Accountancy, as well as front-line functions, such as the Youth Service Function, and Council Tax Collection. In many cases, the functions may equate to the same organisational structures defined by team or service plans.

4.4 EQUALITY TARGET GROUPS
The Council has identified the protected characteristics under the PSED as equality target groups that are central to its equalities agenda. These also reflect national priorities and build on the focus given by the national Equality Standard. Consideration of these different groups is included in the Equalities Impact Assessment Template. The equality target groups are: age, disability, gender re-assignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
5. The Assessment Process

**Part 1 – Initial Assessment**

Step 1 – Confirming ownership & commitment  
Step 2 – Identifying the aims & objectives of your policy or function  
Step 3 – Examining your baseline data  
Step 4 – Identifying negative (adverse) or differential impact  
Step 5 – Comparing with other local authorities  
Step 6 – Conclusions  
Step 7 – Deciding whether a full assessment is required  
Step 8 – Developing an action plan for the initial assessment  
Step 9 – Signing off initial assessment and action plan

**Part 2 – Full Assessment**

Step 1 – Consulting with people who are likely to be affected  
Step 2 – Identifying measures to mitigate disproportionate or adverse impact  
Step 3 – Finalising the Conclusions  
Step 4 – Finalising recommendations  
Step 5 – Developing an action plan for the full assessment  
Step 6 – Putting in place monitoring & review structures  
Step 7 – Signing off full assessment and action plan
Part 1 - Initial Assessment (Screening)

Key Notes

1. This assessment should be conducted for existing, new and revised policies or functions.

2. It is used to determine whether the policy or function has any equalities implications and would be based on the following information:
   - Existing knowledge (internal and external)
   - Existing Data (internal and external)
   - Best estimates of the scope of the issues covered by the policy, service or function

3. You can start by pulling together a project team, pair up with a colleague or carry out the initial assessment alone. If you carry out the initial assessment alone, you must seek advice and support from another officer who must be named in Step 1.
## Equalities Impact Assessment Report Record Sheet

### Step 1 – Confirming Ownership & Commitment

<table>
<thead>
<tr>
<th>Lead Assessing Officer:</th>
<th>Lorraine Browne</th>
</tr>
</thead>
<tbody>
<tr>
<td>Critical Friend:</td>
<td>Shamrika Sydes</td>
</tr>
<tr>
<td>Names of project team members (where relevant)</td>
<td></td>
</tr>
<tr>
<td>What are you assessing?</td>
<td>The Decision whether to provide additional budget for the site clearance at Dale Farm, Cray’s Hill</td>
</tr>
<tr>
<td>Is it new or existing?</td>
<td>New</td>
</tr>
</tbody>
</table>

### Step 2- Identifying the aims & objectives of the item under assessment. (Policy, service, function, strategy, plans, decisions etc)

#### 2a. What are the aims and objectives of the item under assessment?
- The aim is to consider all of the implications arising from an earlier decision of the Council to secure compliance with planning enforcement notices, by way of direct action. If approved, the decision will specifically provide additional budget to that already agreed, to fund the site clearance action at Dale Farm, whilst maintaining a financially sustainable position for the council.

#### 2b. How do they relate to the Department’s objectives in the Service Plan?
- It is the stated priority of the Council to protect the green belt. The Council has established a firm line of enforcement in this regard.

#### 2c. Whose need is it designed to meet?
- Residents of the Borough, who value, appreciate and benefit from the separation of conurbations and development sprawl.
- Residents and businesses for whom a level playing field as regards planning enforcement policy is important.
- Residents, both traveller and non-traveller, for whom community cohesion is an important aspect of their well-being.

#### 2d. If you are assessing a policy or procedure, how is it currently implemented?
- In compliance with the Town and Country Planning Act 1990
### 2f. What are its current priorities?

- That the site clearance operation is carried out safely, humanely and lawfully.
- To this end an appropriate budget for costs arising directly and indirectly from the operation and post operation is required.
- It is also a priority to ensure an ongoing financially sustainable position for the Council.
Step 3 - Examining your baseline data
What are the profiles of the:

<table>
<thead>
<tr>
<th>3a. Users of the service that the item under assessment relates to?</th>
</tr>
</thead>
<tbody>
<tr>
<td>This is a decision that affects all residents of the Borough.</td>
</tr>
</tbody>
</table>

How does this compare to Basildon District Demographic profile as a whole (see Basildon Demographic Profile below. This section has been completed for you but may vary according to the changing population).

Basildon Demographic Profile as of February 2008

- **Racial/Ethnic groups**
  
  Ethnic minority groups accounted for 3.1% of the population of Basildon at the time of the last Census, compared to 7.9% for the wider UK population. *(Source: Census 2001)* Anecdotal evidence, including demographic profiles of the District’s schools, suggests that the proportion of the population that falls within the BME community today is closer to the national average.

  The percentage of ethnic minority groups is growing in the District. The 1991 Census reflected that ethnic minority groups accounted for 2.2% of the population, meaning that the District has seen a 41% increase over ten years when considering only Census information.

  Based on information from the last Census, the proportion of the population aged 50+ from with BME backgrounds accounted for 1% of the total population. Nationally, the trend for BME communities is to fall within younger age groups, but this will change over time.

- **Gender**
  
  The male/female ratio for the District is 48% male to 52% female.

- **Disability**
  
  The Disability Rights Commission believes that 1 in 5 people of working age have a disability of some kind. National trends suggest that disabled people are eight times more likely to be out of work and that they are twice as likely to have no qualifications.

  Basildon District’s population has a percentage of 16.92% who have a limiting lifelong illness. This is slightly lower than the national average of 18.2%.

  However, Census data combines the figures for disabled people with those who have a long-term illness. Many disabled people find the medical model of disability unhelpful. This model describes the disabled person as someone who needs help. They are “suffering an illness” and can be “cured”.

  A disabled person is someone with "a physical or mental impairment which has a
substantial and long-term adverse effect on his ability to carry out normal day-to-day activities”.

It is useful to understand the words used in this statement.

“A physical or mental impairment” - a condition affecting the body, perhaps through sight or hearing loss, a mobility difficulty or a health condition.

"A mental impairment" - a condition affecting 'mental functioning', for example a learning disability or mental health condition such as manic depression.

“Substantial” - more than “minor” or “trivial”. The following can help you to decide if your disability or health condition is substantial.

- **Sexual Orientation**
  There is a clear need for local authorities to engage actively with lesbian, gay, bisexual or transgender (LGBT) communities.

  It is very difficult to calculate even an approximate number of people who would describe themselves as LGBT. There are a number of reasons for this:

  People’s sexual preferences may change during their lives.
  Defining some of these categories is contentious and difficult.
  The stigma that can still be attached to issues of sexuality means that homosexuality and transgender are likely to be under-reported.

  In 1999-2001, a National Survey of Sexual Attitudes and Lifestyles in Britain was undertaken. A cross-section of the population was sampled, with a sample size of eleven thousand. In this survey 8.4% of men and 9.7% of women said that they had had a sexual experience with a partner of the same sex.

  Looking from an alternative statistical perspective, the Basildon District Community Safety Partnership does record the number of homophobic incidents recorded by the Police Authority per 100,000 of the population.

  LGBT people in Basildon continue to require:
  - Specialist health advice.
  - Safe networking opportunities and access to learning resources.
  - Signposting to other agencies.
  - Meaningful consultation on issues that affect them, including:
    - Licensing
    - Local initiatives
    - Participation
    - Life-long learning
    - Health and social care
    - Capacity building

- **Religion/Belief**
  The most recent figures for the religious makeup of Basildon comes from the 2001 census, so, in view of the estimated increase of ethnic minority groups in recent years, this information is expected to be somewhat out of date.
- **Age**
Basildon has a lower proportion of older people compared to the Essex average. 19.4% of the population are aged over 60, compared to 21.8% for Essex and 20.9% nationally. *Source: Census 2001* The current average life expectancy for residents of Basildon District is 78.62 years, which is 0.53 years less than the Essex average.

According to the 2001 Census, an average figure of 13.4% of pensioners in the District live alone.

The age profile of the District is changing however, with a 30% increase in over 60’s anticipated within the next 30 years, with the largest proportional increases expected in the 75+ age groups.

- Gender Reassignment
- Marriage and civil partnership
- Pregnancy and Maternity

### 3b. Staff of BDC as a whole?
*This should be available from the latest workforce data information from HR Dept.*
*The section below has been completed for you but may vary from year to year. These statistics are based on 2006-2007 statistics*

<table>
<thead>
<tr>
<th>Racial/Ethnic Groups: 2.92% of the workforce at Basildon Council is from minority ethnic communities. Chinese/Other 0.2% Black 1.1% Mixed 0.5% Asian 1.1%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gender Basildon Council has the highest levels of women (31.25%) in Essex.</td>
</tr>
<tr>
<td>Disability Basildon District Council currently records a disability rate of 10% among its employees. This is noted as the highest in Essex.</td>
</tr>
<tr>
<td>Sexual Orientation The profile among employees is as follows:</td>
</tr>
<tr>
<td>No</td>
</tr>
<tr>
<td>Bisexual 8</td>
</tr>
<tr>
<td>Hetero Sexual 586</td>
</tr>
<tr>
<td>Lesbian/Gay 2</td>
</tr>
<tr>
<td>Trans Gender 0</td>
</tr>
<tr>
<td>Not Stated 35</td>
</tr>
</tbody>
</table>
The profile among employees is as follows:

<table>
<thead>
<tr>
<th>Religion/Belief</th>
<th>No</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Buddhist</td>
<td>2</td>
<td>0.2</td>
</tr>
<tr>
<td>Catholic</td>
<td>5</td>
<td>0.4</td>
</tr>
<tr>
<td>Christian</td>
<td>401</td>
<td>30.4</td>
</tr>
<tr>
<td>Hindu</td>
<td>6</td>
<td>0.46</td>
</tr>
<tr>
<td>Jewish</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Muslim</td>
<td>3</td>
<td>0.23</td>
</tr>
<tr>
<td>Sikh</td>
<td>3</td>
<td>0.23</td>
</tr>
<tr>
<td>Other</td>
<td>5</td>
<td>0.4</td>
</tr>
<tr>
<td>None</td>
<td>242</td>
<td>18.4</td>
</tr>
</tbody>
</table>

The profile among employees is as follows:

<table>
<thead>
<tr>
<th>Age</th>
<th>No.</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>No Date of Birth Specified</td>
<td>0</td>
<td>0.00</td>
</tr>
<tr>
<td>Up to 20 years old</td>
<td>19</td>
<td>1.50</td>
</tr>
<tr>
<td>Between 20 &amp; 24 years old</td>
<td>77</td>
<td>6.09</td>
</tr>
<tr>
<td>Between 25 &amp; 29 years old</td>
<td>98</td>
<td>7.75</td>
</tr>
<tr>
<td>Between 30 &amp; 34 years old</td>
<td>120</td>
<td>9.49</td>
</tr>
<tr>
<td>Between 35 &amp; 39 years old</td>
<td>131</td>
<td>10.36</td>
</tr>
<tr>
<td>Between 40 &amp; 49 years old</td>
<td>363</td>
<td>28.72</td>
</tr>
<tr>
<td>Between 50 &amp; 59 years old</td>
<td>354</td>
<td>28.01</td>
</tr>
<tr>
<td>Between 60 &amp; 64 years old</td>
<td>100</td>
<td>7.91</td>
</tr>
<tr>
<td>65 Years Old &amp; Over</td>
<td>2</td>
<td>0.16</td>
</tr>
</tbody>
</table>

3c. Staff of the department(s)

(This should be available from the latest workforce data information from HR Dept)

- Racial/Ethnic groups: No data available
- Gender: No data available
- Disability: No data available
- Sexual Orientation: No data available
- Religion/Belief: No data available
- Age: No data available
- Gender Reassignment: No data available

If relevant data is not available to you at this stage, add a target to your Part One Initial Action Plan, to be completed before deciding whether to proceed to Part Two.

Further data is NEEDED [ ] Further data is NOT NEEDED [x]

3 d. If you cannot collect data, explain why:

-
### Service Impact Assessment Report Record Sheet

<table>
<thead>
<tr>
<th>Step 4- Identifying negative (adverse) or differential impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>What evidence exists (including data from Step 3) that the item under assessment does or may affect groups differently?</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>4a. Access</th>
<th>to the services provided under the item under assessment?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>The funding decision will impact on all residents equally. Contingency reserve has been established over several years in anticipation of the costs potentially required. However, this will need to be replenished to provide appropriate contingency reserve for future projects and/or uncertainties.</td>
</tr>
<tr>
<td></td>
<td>The efficiency target will be increased to achieve this, which may, at that time, result in reduction or loss of service delivery. Prior to the decision as to which services will be adversely affected, a full SIA will be further conducted.</td>
</tr>
</tbody>
</table>

If relevant information is not available to / has not been sought by you at this stage, add a target to your Part One - Initial Action Plan now, to be completed before deciding whether to proceed to Part Two

- Further data is **NEEDED** [ ]
- Further data is **NOT NEEDED** [x]
<table>
<thead>
<tr>
<th>Service Impact Assessment Report Record Sheet</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Step 4 (Continued)</strong></td>
</tr>
<tr>
<td><strong>4b. Complaints Received</strong> (whether on grounds of discrimination or on other grounds)</td>
</tr>
<tr>
<td>• The Council has not received any formal complaints, but is very well aware of the tension caused by the ongoing breaches of planning control by travellers. The Council is equally aware of the shortage of authorised pitches available for travellers, regionally and locally. There will be widely differing views of residents regarding the expenditure required to address the ongoing breaches at Dale Farm, which is why this is a decision ultimately for the Council, who must have due regard and balance the many competing considerations.</td>
</tr>
<tr>
<td>•</td>
</tr>
<tr>
<td>•</td>
</tr>
<tr>
<td><strong>4c. Concerns expressed by staff</strong></td>
</tr>
<tr>
<td>• Not aware of any at present but the potential views of staff are explored in the report to Council.</td>
</tr>
<tr>
<td>• Should we receive any complaints, we will investigate any allegations made having regard to departmental and council procedures</td>
</tr>
<tr>
<td><strong>4d. Local or national research on the subject</strong></td>
</tr>
<tr>
<td><strong>4e. Views received from individuals or community groups who do or may experience adverse or disproportionate impact? (Consider carers, low income earners, lone parents, ex-prisoners etc)</strong></td>
</tr>
<tr>
<td>• As with residents’ views, it can be anticipated that there will be a range of views held by individuals or community groups and these are further explored in the Council report.</td>
</tr>
<tr>
<td>•</td>
</tr>
</tbody>
</table>

*If relevant information is not available to / has not been sought by you at this stage, add a target to your Part One – Initial Action Plan now, to be completed before deciding whether to proceed to Part Two*

Further data is NEEDED [ ] Further data is NOT NEEDED [x]
Step 5 – How does the item under assessment compare to that of other local authorities?

- N/A

*If you have not been able to carry out such a comparison at this stage, add a target to your Part One Action Plan now, to be completed before deciding whether to proceed to Part Two*

Further data is **NEEDED** [ ] Further data is **NOT NEEDED** [ ]

---

**Step 6 – Conclusions (A summary of the main points from Steps 4 & 5 above)**

<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
</tr>
</thead>
<tbody>
<tr>
<td>6a. Have you obtained enough data in Steps 3, 4 and 5 above to reach a valid conclusion?</td>
<td>YES</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>If ‘Yes’ Proceed to Question 6b, below.</td>
<td></td>
</tr>
<tr>
<td>If ‘No’ Proceed to <strong>Step 8: the Action Plan.</strong></td>
<td></td>
</tr>
<tr>
<td>6b. For what reasons do feel that the item under assessment does not have significant adverse impact?</td>
<td></td>
</tr>
<tr>
<td>• This assessment is the initial step in allocating budget for a decision to proceed with direct action, which has already been taken. Further SIA’s will be conducted if/when changes to service standards have to be made to meet the efficiency target required to meet the shortfall in funding for the site clearance.</td>
<td></td>
</tr>
<tr>
<td>6c. In what respects do you conclude that the item under assessment does have significant adverse impact?</td>
<td></td>
</tr>
<tr>
<td>• N/A at this stage</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>6d. In your view, is the adverse impact (if any) justifiable by law or other requirements? (Select ‘Yes’ if there are no equalities implications of the item under assessment.)</td>
<td>YES</td>
</tr>
<tr>
<td>Comments:</td>
<td></td>
</tr>
<tr>
<td>•</td>
<td></td>
</tr>
<tr>
<td>•</td>
<td></td>
</tr>
</tbody>
</table>
Service Impact Assessment Report Record Sheet

Step 7 – Finding: Deciding whether a Full Assessment is required
Please select one of the alternatives below.

7a. Next Step: Full Assessment
   Tick the box on the right if there is adverse impact and it is **not justifiable** by law or other requirements.

7b. Next Step: End of Process – Full Assessment NOT Required
   Tick the box on the right if any adverse impact is **justifiable** by law or other requirements.
   
   Tick the box on the right if you require more data

7d. Next Step: Initial Action Plan –
   Tick the box on the right if you have identified actions that need to be progressed

(Step 8 – Action Plan: See separate Landscape sheet)
### 8a: Actions Completed / Outstanding

<table>
<thead>
<tr>
<th>Step</th>
<th>Process</th>
<th>Complete?</th>
<th>Further Data/Research Relevant/Necessary for this stage of Assessment?</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Ownership &amp; Commitment</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>2</td>
<td>Aims &amp; Objectives</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>3</td>
<td>Baseline data</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>4</td>
<td>Evidence of adverse impact</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>5</td>
<td>Comparison with other LAs</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>6</td>
<td>Conclusions</td>
<td>Yes</td>
<td>No</td>
</tr>
</tbody>
</table>

**Comments**

- Will be complete when the consultation is finished.
### Step 8 – Developing an action plan for the initial assessment

Please list the nature of any adverse impact (issues) and any recommendations for actions that you plan to implement as a result of this initial Impact Assessment and community cohesion findings.

Consider linking it with appropriate Performance Indicators, Policy Reviews, Service Area Plans and Performance Management Systems.

**Department:**

**Name of item under assessment:**

**Officer responsible:**

<table>
<thead>
<tr>
<th>Issues identified (Outcomes)</th>
<th>Actions Required (Output)</th>
<th>Timescale</th>
<th>Costs</th>
<th>Officer Responsible</th>
<th>Comments</th>
<th>Date Completed</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Service Head Approval and signature____________________________________________

Date: ________________________________________
### Step 9 – Signing off the Initial Assessment and Action Plan

**Name & Role of person(s) carrying out Assessment**

| Name 1:    | Lorraine Browne               | Role:        |
|           |                               | Solicitor to the Council |
| Name 2:   | Shamrika Sydes                | Role:        |
|           |                               | Inclusion & Diversity Officer |

**Service Head Approval and Signature**

| Name:     | Dawn French                  |
| Title:    | Head of Corporate Service    |
| Signature:|                           |
| Date:     |                             |
Statement Regarding Proposed Eviction

As part of Mr Justice Collin’s consideration of Basildon District Council’s (BDC) decision to take direct action, BDC offered to provide further information as to how it would undertake the proposed eviction. The details in relation to this are set out below.

BDC is, and has always been, fully aware of its duties and responsibilities towards the families and individuals who would be the subject of direct action to secure compliance with planning enforcement notices.

BDC has an appointed Liaison Officer (Tel 01268-294509) who co-ordinates the response to any queries raised (from all communities within the locality) concerning the Council’s proposed action.

BDC will:

1. Actively solicit the engagement and cooperation of the gypsy/traveller community affected by the action and their representatives as well as other statutory agencies (particularly Essex Police, Essex County Council and South West Essex Primary Care Trust).

2. Seek to minimise the impact of the eviction process to the minimum that is reasonably practicable together with its partner agencies;

3. Provide practical and sustained support for those families affected. Examples of such action would include:
   a. facilitating identification of alternative school places closer to their new location, which might include accompanied visits, ensuring education assessments are available to the new school and provision of school transport where required;
   b. facilitating identification of alternative health providers such as GP’s, clinics and outpatient services where necessary; again this would also include ensuring health records are readily available to the health professionals and any other appropriate measures to secure ongoing healthcare;
   c. In recognition of the potential disruption between the ‘old’ and ‘new’ arrangements, it would be ensured that individuals have a sufficient amount of prescribed medication and/or repeat prescription facility as necessary;
   d. ensuring that regular care services provided through social services or from the District Nurse service, for example, are delivered without impact on the continued care of individuals;
   e. facilitating introductions for those individuals who require it to religious leaders and communities.
(4) Provide a fact pack with contact details, information, forms, check lists, etc. for acquiring new services or advising existing service providers of their new contact details. This would be supported by the availability of a liaison officer to assist with these administrative activities. The Liaison officer will also provide a contact point for anyone requiring assistance in understanding the information provided. These ‘facilitated’ services would be in addition to the statutory services and responsibilities that BDC and other statutory agencies have and which would be included in the fact pack e.g. information on making a homelessness application.

(5) Ensure that as part of the procurement process for the appointment of bailiffs (which is yet to be carried out) that health and safety, equality duties, partnership working, experience and previous record of conduct are factors that will be assessed in selecting the most appropriate contractor for the job. Indeed, the Council is considering appointing an independent expert to advise on the methods and procedure of the eviction.

(6) Urge the media to provide accurate, fair and measured reporting of issues and actions in relation to the gypsy/traveller community. BDC is committed to working with all forms of media to achieve this objective by providing accurate and timely fact packs; specifically it also intends to meet with the Editor of the Echo, the Basildon daily local newspaper, to ensure that there is a good understanding of all the related issues and the role it can play in securing the best outcome for all communities affected.

(7) Provide a high degree of security to the community that is not subject to the direct action primarily through the provision of accurate and timely information but also in practical considerations to address the direct consequence of an eviction, such as closure of roads and the like.

(8) BDC will facilitate the removal of caravans/mobile homes and belongings to a lawful site where families request this. In addition BDC will actively identify lawful locations to which residents can move to.

(9) Encourage early homelessness applications to be lodged but also make special arrangements for the processing of urgent applications. There will also be full compliance with any homelessness duties and temporary accommodation including the storage of possessions (probably bricks and mortar accommodation) will be provided where appropriate.

Signed..............

Lorraine Browne  
Legal Services Manager  
On behalf of Basildon District Council
Equalities Legislation

Current disability equality duty (pre 6 April 2011)

49A Disability Discrimination Act 1995 as amended

General duty

(1) Every public authority shall in carrying out its functions have due regard to—
   (a) the need to eliminate discrimination that is unlawful under this Act;
   (b) the need to eliminate harassment of disabled persons that is related to their disabilities;
   (c) the need to promote equality of opportunity between disabled persons and other persons;
   (d) the need to take steps to take account of disabled persons' disabilities, even where that involves treating disabled persons more favourably than other persons;
   (e) the need to promote positive attitudes towards disabled persons; and
   (f) the need to encourage participation by disabled persons in public life.

(2) Subsection (1) is without prejudice to any obligation of a public authority to comply with any other provision of this Act.

Current race equality duty (pre 6 April 2011)

Section 71 Race Relations Act 1975 (as amended) - Specified authorities: general statutory duty.

(1) Every body or other person specified in Schedule 1A or of a description falling within that Schedule shall, in carrying out its functions, have due regard to the need—
   (a) to eliminate unlawful racial discrimination; and
   (b) to promote equality of opportunity and good relations between persons of different racial groups.

(2) The Minister may by order impose, on such persons falling within Schedule 1A as he considers appropriate, such duties as he considers appropriate for the purpose of ensuring the better performance by those persons of their duties under subsection (1).

(3) An order under subsection (2)—
   (a) may be made in relation to a particular person falling within Schedule 1A, any description of persons falling within that Schedule or every person falling within that Schedule;
   (b) may make different provision for different purposes.

(4) Before making an order under subsection (2), the Minister shall consult the Commission.

(5) The Minister may by order amend Schedule 1A, but no such order may extend the application of this section unless the Minister considers that the extension relates to a person who exercises functions of a public nature.

(6) An order under subsection (2) or (5) may contain such incidental, supplementary or consequential provision as the Minister considers appropriate (including provision amending or repealing provision made by or under this Act or any other enactment).
Current gender equality duty

S76A Sex Discrimination Act 1975

76A Public authorities: general statutory duty

(1) A public authority shall in carrying out its functions have due regard to the need—
   (a) to eliminate unlawful discrimination and harassment, and
   (b) to promote equality of opportunity between men and women.

(2) In subsection (1)—
   (a) “public authority” includes any person who has functions of a public nature
       (subject to subsections (3) and (4)),
   (b) “functions” means functions of a public nature, and
   (c) the reference to unlawful discrimination shall be treated as including a
       reference to contravention of terms of contracts having effect in accordance
       with an equality clause within the meaning of section 1 of the Equal Pay Act
       1970 (c. 41).

(3) The duty in subsection (1) shall not apply to—
   (a) the House of Commons,
   (b) the House of Lords,
   (c) the Scottish Parliament,
   (ca) the National Assembly for Wales,
   (d) the General Synod of the Church of England,
   (e) the Security Service,
   (f) the Secret Intelligence Service,
   (g) the Government Communications Headquarters,
   (h) a part of the armed forces of the Crown which is, in accordance with a
       requirement of the Secretary of State, assisting the Government
       Communications Headquarters, or
   (i) a person specified for the purpose of this paragraph by order of the Minister
       (and a person may be specified generally or only in respect of specified
       functions).

(4) The duty in subsection (1) shall not apply to the exercise of—
   (a) a function in connection with proceedings in the House of Commons or the
       House of Lords,
   (b) a function in connection with proceedings in the Scottish Parliament (other
       than a function of the Scottish Parliamentary Corporate Body),
   (ba) a function in connection with proceedings in the National Assembly for
       Wales (other than a function of the National Assembly for Wales
       Commission),
   (c) a judicial function (whether in connection with a court or a tribunal),
   (d) a function exercised on behalf of or on the instructions of a person
       exercising a judicial function (whether in connection with a court or a
       tribunal), or
   (e) a function specified for the purpose of this paragraph by order of the
       Minister.

(5) Subsection (1)(b) is without prejudice to the effect of any exception to or limitation
    of the law about sex discrimination.
(6) A failure in respect of performance of the duty under subsection (1) does not confer a cause of action at private law.

New Public Sector Equality Duty (in force from 6 April 2011)

149 - Public sector equality duty

(1) A public authority must, in the exercise of its functions, have due regard to the need to—
   (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
   (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
   (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

(2) A person who is not a public authority but who exercises public functions must, in the exercise of those functions, have due regard to the matters mentioned in subsection (1).

(3) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—
   (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
   (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
   (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

(4) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

(5) Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—
   (a) tackle prejudice, and
   (b) promote understanding.

(6) Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

(7) The relevant protected characteristics are—
   • age;
   • disability;
   • gender reassignment;
   • pregnancy and maternity;
   • race;
   • religion or belief;
   • sex;
   • sexual orientation.
(8)  A reference to conduct that is prohibited by or under this Act includes a reference to—
(a) a breach of an equality clause or rule;
(b) a breach of a non-discrimination rule.

(9) Schedule 18 (exceptions) has effect.
URGENT - BY DX & FAX: 01288 294332 (9 pages)

Dear Sirs

Re: Dale Farm, Crays Hill, Essex, CM1 2YH

As you may be aware from separate ongoing proceedings as well as our correspondence with Housing Options and related departments, we are currently instructed by a large number of residents on Dale Farm. We enclose a schedule of clients which is indicative of the number of clients we are currently advising (though not exhaustive) in relation to their homelessness and Basildon Borough Council’s consequent housing duties under Part VII Housing Act 1996 as amended.

Mindful of the number of homeless clients we represent, we wish to make a number of representations on behalf of all our clients, and would be grateful for your consideration of these representations and a substantive response. In summary we seek confirmation from the council that it will take the following action:

1. Take active steps to re-commence negotiations with interested parties (along the lines of those negotiations in 2009/2010 as described below), on terms agreeable to the council and relevant stakeholders, with a view to identifying suitable alternative land for the residents currently occupying the land at Dale Farm without planning permission, and assisting in realising the transfer of residents to that alternative land with the benefit of appropriate planning permission;

2. Commit to refraining from taking enforcement steps in particular eviction by direct action against residents of the unauthorised land at Dale Farm, at a minimum, for the period when residents have outstanding homelessness applications being dealt with by Basildon Borough Council and during the course of any subsequent reviews and appeals, and, at a maximum, during the period when the steps outlined in (1) above are being taken.

The following representations are in respect of the steps sought by the council, marked (1) and (2) above.
As the council will be aware, negotiations took place in 2009/2010 between Dawn French on behalf of Basildon District Council and a number of other interested parties including Richard Bennett (Local Government Association, and former chair of the LGA task-group on Gypsy-Travellers), Michael Hargreaves (Go-East), Nalsha Polaline (Homes & Communities Agency), Candy Sheridan (Gypsy Council and appointed representative of the Dale Farm site) and Sean Riedale (Equality & Human Rights Commission).

The express aim of these negotiation meetings was to identify a group of six or so sites whose ownership meant they could be made available to the Gypsy-Travellers on Dale Farm. We are aware that at least one HCA owned site was identified in the Basildon area as a suitable alternative to the unauthorised sites at Dale Farm/Hovefields, as well as a further site owned by Essex County Council. A further two sites owned by Essex County Council were under further investigation.

We understand that at a meeting on 22 March 2010, the meeting focused on how proposals could be brought forward on the remaining potentially suitable HCA owned site in terms of details such as the location for pitches, site layout, planning application and management arrangements. We understand that towards and immediately after the May 2010 general election, work continued on both expanding the list of potentially suitable sites and on identifying the steps which would be involved in implementation on the remaining favoured HCA site.

In summary it appears that this collaborative approach was bearing fruit, in the sense that suitable alternative sites were being identified and work undertaken on the detail as to how these could be realised. It is now January 2011 and give the progress made last year, it appears highly likely that had these negotiations continued throughout 2010, suitable alternative land would have now been identified, temporary or even permanent planning permission sought and given and some if not all the residents (and at the very least the most vulnerable residents) could have by now already moved off the unauthorised land at Dale Farm and onto the identified suitable alternative land.

It is understood that the council withdrew from the negotiations in 2009/2010 on the basis that there had been a breach of the ‘gentleman’s’ agreement that the negotiations be conducted in secret. It is averred that this reason for abandoning negotiations which had made the progress they did is inadequate and unreasonable. It is asserted that publicity, negative or otherwise, is not a reasonable or proper basis for failing to continue this work to meet a known and identified need. Given that the negotiations had identified alternative land with a realistic prospect of planning permission being granted for its use as pitch accommodation, it appears to be unreasonable and a poor use of council resources for the council to elect not to then proactively pursue these options, or in the alternative, to refuse to subsequently re-engage in that process and proactively pursue those options.

It is therefore averred that by taking step (1) and agreeing to refrain from enforcement action in the interim as set out in step (2), the council’s planning control priorities could be met (in that residential occupation of the land at Dale Farm would cease) while facilitating provision of suitable alternative accommodation for the residents, and therefore allowing the council to comply with its duties to homeless residents in the borough, as well as other relevant duties under national law and international legal standards.

In addition, as enforcement is projected to cost the public purse tens of millions of pounds (including costs to the council, projected £10 million costs of policing the eviction, plus the indirect costs incurred by other services), it is averred that the rational course of action for a local authority such as Basildon Borough Council in terms of its duties to achieve ‘best value’ in the expense of public monies, would be to take steps (1) and (2), and thereby save millions of pounds for the public purse.
More specifically, we expressly invite the council to bear in mind the following relevant considerations:

a) the positive obligation imposed on the council by virtue of Art. 8 European Convention of Human Rights to seek to facilitate our clients on Dale Farm and their families' traditional travelling way of life (see R (Price) v Carmarthenshire CC [2003] EWCA 42 Admin);

b) the need for "a genuine consideration of ways and means" to meet our clients' special needs as Irish Travellers (Codona v Mid-Bedfordshire District Council [2004] EWCA Civ 925). This must include genuine consideration of pitch provision (see paragraph 74 of the decision in Basildon District Council v McCarthy & Others [2009] EWCA Civ 13);

c) the Council's obligation to have due regard to promoting equality of opportunity for persons of different ethnic groups; fostering good relations between persons racial groups; and, eliminating discrimination (previously pursuant to Section 71 of the Race Relations Act 1976 ("RRA") as amended, but where/when appropriate, replaced in whole or in part by the Equalities Act 2010 ("EqA"), in particular those duties set out in Section 149(1)(a) to (c) EqA ("the public sector equality duties");

d) the Council's obligations under paragraph 16.38 of the current Homelessness Code of Guidance (July 2008), including consideration of a suitable temporary alternative, and that these obligations include an obligation to consider not only land which is available for the use of Gypsy & Traveller caravans but which can be "readily made available";

e) the identified "need" for additional Gypsy & Traveller caravan pitches in Basildon District Council and the consequent obligations of the local authority under the Transitional Provisions of Circular 01/2006;

f) that given the transitional provisions of Circular 01/2006 it is not permissible for Basildon Council to rely upon any likely delay in the provision of temporary planning permission for sites, that delay having been occasioned by its own failure to follow and properly apply the said provisions;

g) the decision of the Administrative Court in Cala Homes (South) Limited v Secretary of State for Communities and Local Government [2010] EWHC 2666 (Admin) in which Justice Sales determined that the Secretary of State had acted unlawfully by purporting to revoke the Regional Strategies, with the effect that the Regional Spatial Strategy for the East of England (including the strategy's target for additional Gypsy Traveller pitches in the Basildon District/Borough to address the proven need within Basildon) remains in force.

In view of the points made above we submit that Basildon Council must take the steps identified in (1) above, and build on the real progress made by negotiations entered into by the council and other parties in 2009/2010.

By giving detailed consideration to the issue of alternative sites identified:

- by those negotiations and in the course of further negotiations; and/or,
- those proposals and planning and/or pre-planning applications by Dale Farm residents and their representatives (for the latter, see Schedule of Proposals attached, which includes those we are aware of, and may not be exhaustive); and/or
- areas of land owned by Basildon Borough Council itself, currently being marketed to help raise money for the borough’s new sporting village;
the council will be able to address the proven need for Gypsy-Traveller accommodation in the borough and the needs of our clients, as well as ensuring planning control is maintained.

In addition we submit that in taking steps (1) and (2), the council will be ensuring that relevant provisions of international law are complied with, including *inter alia*, the United Nations Convention on the Elimination of all Forms of Racial Discrimination (CERD), in particular Article 5(e)(iii); and, the United Nations International Covenant on Economic, Social and Cultural Rights (ICESCR) in particular Article 11(1)1. In regards to the former, we enclose a copy of the letter dated 12 March 2010 from the Chairperson of the Committee on the Elimination of Racial Discrimination in regard to the proposed eviction at Dale Farm.

In regard to the specific issue of the council’s duties under Part VII Housing Act 1996 (as amended), we acknowledge that in general, homelessness applications must be dealt with swiftly, however we assert that the circumstances surrounding our clients’ cases are exceptional. In particular, we submit that on the facts of this case no reasonable local authority could fail to consider the provision of alternative land, by reason of the following factors:

1. the unusually long time frame of this case (approximately 2 years have now elapsed since the Court of Appeal handed down its decision in the case of *Basildon DC v. McCarthy & Others* [2009] EWCA Civ 13) during which time identification of land with at least temporary planning permission would have been a realistic possibility (as is borne out by the progress made during the course of the 2009/2010 negotiations);

2. the number of applicants who will need to be considered and the correspondingly obvious benefit to the public purse and good administration which would result from the grant of temporary planning permission;

3. the Council’s obligations under its public sector equality duties (for example in regard to disability as well as race and religion), in particular, the size of the Dale Farm site and the significant number of vulnerable residents including many children and elderly residents (including many with serious health and special educational needs), makes the decision as to alternative accommodation in this case one of enormous significance when considering the authority’s obligation to have due regard to these duties. Basildon Council already has details regarding a number of vulnerable residents as provided in the course of current homelessness reviews/appeals and we trust that this will be carefully considered. Where you have insufficient information about vulnerable residents we can take further instructions to assist with details. We submit that information prior to *Basildon DC v. McCarthy & Others* [2008] being concluded would be now very much out of date. We seek express consideration of the most vulnerable residents.

We await hearing from you urgently, say within 7 days, with your response to this letter; particularly with regard to confirmation as to whether the council is agreeable to taking steps (1) and (2).

Yours faithfully,

Keith Lomax
DAVIES GORE LOMAX

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1 Art. 11(1) ICESCR is interpreted by General Comments No. 4 and No. 7. Art. 11(1) therefore extends to protection against forced evictions.
Schedule of Proposed Alternative Land to the Dale Farm and Hovefields Sites

1. **Land at Terminus Drive, Pitsea.** Option put to Basildon District Council in 2005, but planning permission rejected.

2. **Land alongside A127.** Suggested to Basildon District Council as a possible alternative to the Dale Farm site.

3. **Land at Crays Hill, close to London Road.** Also proposed to Basildon District Council as a possible alternative to Dale Farm.

4. **Land in Billericay, near the Barleyfields property at Billericay.** Proposed to Basildon District Council as suitable alternative without response.

5. **Land at Cranes Farm Road, the ‘former Paragon site’.** Proposed in June 2009 but rejected on the basis that it is in an industrial zone.

6. **Land at Freebourne Road, Witham.** Proposal put forward in July 2009. Rejected as an industrial site.


8. **Land at Navestockside (Just under 12 acres).** Proposed August 2009. No reply as yet.

9. **Land at Sandon, Chelmsford.** One acre site for limited number of mobile homes. Proposed August 2009. No reply as yet.

10. **Land at Ponds Farm, Purfleet.** Site of 20 acres alongside A13. Purchasable in five acre lots (NB. Dale Farm is approximatley 5.5 acres). No reply received to this proposal (land believed to be still available).

11. **Land at Gardiners Lane South.** This site was proposed by Richard Sheridan, chair of the Dale Farm Housing Association in a letter to Basildon District Council dated 10 May 2010.

12. **Land at Pound Lane.** A pre-planning application was submitted in respect of this site and a full planning application was also subsequently lodged.
EXCELLENCY,

I write to inform you that in the course of its 76th session, the Committee considered the situation of the Romani and Irish Traveller community of Dale Farm, County of Essex, under its early warning and urgent action procedure, in light of information submitted by a non-governmental organization. According to that information, the Romani and Irish Traveller community is at risk of a pending eviction, which may imply a violation of their rights under article 5 (a) (iii) of the Convention on the Elimination of all Forms of Racial Discrimination.

The Committee notes that the local council, Basildon District Council, has served a number of enforcement notices concerning some 90 families, comprising of approximately 300 persons, including many children, elderly and infirm. As the enforcement notices were not complied with, the Council has undertaken legal action, which was upheld by the Court of Appeal on 22 January 2009. Moreover, on 10 December 2009, Basildon District Council selected the private bailiff company Constant and Co. (Bedford) Ltd to undertake planning enforcement action. According to the information before the Committee, this company has been responsible for past rough evictions of other communities, allegedly resulting in destruction of private property and racist conduct, drawing subsequent criticism from the High Court.

The Committee expresses its concern about the information presented above and would be grateful for an urgent clarification of the situation. The Committee also wishes to urge your Government and its institutions to consider suspending any planned eviction until an adequate solution is achieved, with meaningful participation of the Dale Farm community, to guarantee protection of their housing rights, including the provision of suitable and adequate alternative accommodation. It furthermore recommends that a comprehensive survey or risk assessment be conducted to study the immediate and long term adverse social and economic effects of this eviction, especially for the most vulnerable, including children, before any further action is undertaken.

Might your Government decide to nevertheless proceed with the intended eviction, the Committee recommends that the same should be carried out in a humane manner, in accordance with international human rights law, and to designate alternative sites that are adequate, suitable for relocation, and compatible with the culture and traditions of the people affected. It also wishes the draw the Government's attention in this regard to its General Recommendation No.27 on Discrimination against Roma.
In accordance with article 9 (1) of the Convention and article 65 of its Rules of Procedure, the Committee requests the State party to submit its response before 31 July 2010.

Allow me, Excellency, to reiterate the wish of the Committee to continue to engage in a constructive dialogue with the Government of the United Kingdom, with a view to provide it with assistance in the effective implementation of the Convention.

Yours sincerely,

[Signature]

Anwar-Kemal
Chairperson of the Committee on the Elimination of Racial Discrimination

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