



Oversight and Governance

Chief Executive's Department

Plymouth City Council

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www.plymouth.gov.uk/democracy

Published 06/01/21

Delegated Decisions

Delegated Executive/Officer Decisions

Delegated Executive and Officer decisions are published every Wednesday and are available at the following link - <https://tinyurl.com/ms6umor>

Cabinet decisions subject to call-in are published at the following link - <http://tinyurl.com/yddrql6>

Notice of call-in for non-urgent decisions must be given to the Democratic Support Unit by 4.30pm on Wednesday 13 January 2021. Please note – urgent decisions and non-key Council Officer decisions cannot be called in. Copies of the decisions together with background reports are available for viewing as follows:

- on the Council's Intranet Site at <https://modgov/mgDelegatedDecisions.aspx>
- on the Council's website at <https://tinyurl.com/jhnax4e>

The decisions detailed below may be implemented on Thursday 14 2021 if they are not called-in.

Delegated Decisions

I. The Leader - Councillor Evans OBE:

- I.1. Forder Valley Interchange Construction **(Pages 1 - 40)**
- I.2. Allocation of Additional In Year Disabled Facilities Grant (DFG) **(Pages 41 - 58)**
IN 2020/21
- I.3. Gypsy, Roma, Traveller Unauthorised Encampments Policy **(Pages 59 - 90)**
Amendment

EXECUTIVE DECISION

made by a Cabinet Member



REPORT OF ACTION TAKEN UNDER DELEGATED AUTHORITY BY AN INDIVIDUAL CABINET MEMBER

Executive Decision Reference Number – L32 20/21

Decision	
1	Title of decision: Forder Valley Interchange Construction
2	Decision maker (Cabinet member name and portfolio title): Councillor Evans, Leader of the City Council
3	Report author and contact details: Sarah McVeigh, Transport Planning Officer Tel. 01752 308855 Email. Sarah.mcveigh@plymouth.gov.uk
4	Decision to be taken: <ol style="list-style-type: none"> 1. Approves the Business Case update 2. Allocates £1,708,447 for the project into the Capital Programme funded from the Integrated Funding Block and reallocation of salary capitalisation 3. Authorises the award of construction works
5	Reasons for decision: <p>Scheme costs have increased since the development of the original business case in 2017/18 and additional funding is therefore required.</p> <p>The award of construction works will allow the scheme to progress as per the current programme and target cost.</p> <p>Details are including in the Part I and Part II business case update and contract award report briefing papers.</p>
6	Alternative options considered and rejected: <p>De-scope scheme – Rejected</p> <p>Costs pressures have already been significantly captured through a vigorous value engineering exercise as part of the design process. Options to further de-scope the scheme were investigated but were not appropriate on the basis they would either</p> <ul style="list-style-type: none"> ▪ reduce the scheme benefits and impact the business case BCR, putting the DfT funding at risk; ▪ not address existing highways maintenance issues which would undermine the new infrastructure being provided and leave the Council with residual maintenance pressures in the medium to long term

	<ul style="list-style-type: none"> ▪ or reduce the scheme’s resilience to climate change (for example reducing the drainage attention or removing the walking and cycling upgrades that would otherwise help to encourage more trips through walking and cycling). <p>Re-tender – Rejected</p> <p>The Council’s Procurement team assisted with appraising three procurement routes for this scheme and the preferred option is to award the construction works to Balfour Beatty by way of a Deed of Variation to the existing Forder Valley Link Road NEC3 SCAPE Framework contract.</p> <p>A full OJEU compliant new tender process would introduce a delay of at least one year.</p> <p>Utilisation of other Frameworks has been considered and, whilst this would be a quicker procurement process than OJEU, there would still be significant delay to the current programme and in both re-tender scenarios, the efficiencies currently realised with co-delivery alongside FVLR would also be lost.</p> <p>In order to overcome the current known budget shortfall in the existing target cost, when additional inflation and a loss of efficiencies are added, a new contractor would have to present a target cost around 35% cheaper and this is considered extremely unlikely.</p> <p>Do not proceed – Rejected</p> <p>If the scheme were to not go ahead, the existing bottleneck on Forder Valley Road (which has the potential to queue back onto the mainline A38 during busy periods) would remain. This currently deters vehicles using this route and adds strain to the Manadon Junction. These issues would not be resolved and some of the highway maintenance aspects of the scheme would still need to be resolved in the foreseeable future.</p> <p>Whilst the CIL funding contribution could be reallocated for use on another scheme, the £5m of funding from the DfT would need to be returned.</p>												
<p>7</p>	<p>Financial implications:</p> <p>£8,833,000 was allocated within the Capital Programme in March 2018 (Executive Decision L58 17/18). £5,000,000 of this is funded by the successful bid to the Department for Transport’s National Productivity Investment Fund and £3,833,000 funded by the Community Infrastructure Levy.</p> <p>A further £1,708,477 is required to deliver the preferred scheme and funding has been identified from the Integrated Transport Block and reinvesting salary capitalisation.</p> <p>There is no Corporate Borrowing ask for this scheme and therefore no revenue implications.</p>												
<p>8</p>	<table border="1"> <thead> <tr> <th data-bbox="236 1590 767 1688"> <p>Is the decision a Key Decision? (please contact Democratic Support for further advice)</p> </th> <th data-bbox="767 1590 863 1688"> <p>Yes</p> </th> <th data-bbox="863 1590 975 1688"> <p>No</p> </th> <th data-bbox="975 1590 1500 1688"> <p>Per the Constitution, a key decision is one which:</p> </th> </tr> </thead> <tbody> <tr> <td data-bbox="236 1688 767 1854"></td> <td data-bbox="767 1688 863 1854"> <p>X</p> </td> <td data-bbox="863 1688 975 1854"></td> <td data-bbox="975 1688 1500 1854"> <p>in the case of capital projects and contract awards, results in a new commitment to spend and/or save in excess of £3million in total</p> </td> </tr> <tr> <td data-bbox="236 1854 767 2000"></td> <td data-bbox="767 1854 863 2000"></td> <td data-bbox="863 1854 975 2000"> <p>X</p> </td> <td data-bbox="975 1854 1500 2000"> <p>in the case of revenue projects when the decision involves entering into new commitments and/or making new savings in excess of £1 million</p> </td> </tr> </tbody> </table>	<p>Is the decision a Key Decision? (please contact Democratic Support for further advice)</p>	<p>Yes</p>	<p>No</p>	<p>Per the Constitution, a key decision is one which:</p>		<p>X</p>		<p>in the case of capital projects and contract awards, results in a new commitment to spend and/or save in excess of £3million in total</p>			<p>X</p>	<p>in the case of revenue projects when the decision involves entering into new commitments and/or making new savings in excess of £1 million</p>
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		<p>X</p>	<p>in the case of revenue projects when the decision involves entering into new commitments and/or making new savings in excess of £1 million</p>										

		X	is significant in terms of its effect on communities living or working in an area comprising two or more wards in the area of the local authority.
	If yes, date of publication of the notice in the Forward Plan of Key Decisions	06 October 2020	
9	Please specify how this decision is linked to the Council's corporate plan/Plymouth Plan and/or the policy framework and/or the revenue/capital budget:	<p>The Forder Valley Interchange scheme compliments the Forder Valley Link Road works and the two schemes together optimise the benefits of providing a new key link as an alternative route to the north of the city from the east.</p> <p>The new link this scheme facilitates is fundamental in relieving congestion at Manadon Roundabout and is therefore an essential project to the delivery of the growth identified in the Joint Local Plan.</p> <p>The project is identified as a part of the strategic transport infrastructure required to support the significant numbers of new homes and jobs that are planned for the north and east of the city over the lifespan of the Plymouth and South West Devon Joint Local Plan. The Forder Valley Interchange scheme directly supports the following Joint Local Plan policies: SPT8; SPT9; SPT10; SPT12; PLY47; and PLY57.</p> <p>The Forder Valley Interchange scheme will relieve an existing pinch point on the network resulting in improved journey times and reliability, whilst freeing up capacity to ensure that additional travel demand can be accommodated and as a result unlocking large scale development to the north and east of the city.</p> <p>Improvements for pedestrians and cyclists will also be maximised within the scheme in order to encourage more sustainable journeys.</p> <p>This project combined with the Forder Valley Link Road project (FVLR) enable the creation of an important new public transport link between the east of the City and the second busiest interchange at Derriford Hospital. It also facilitates the future link needed for the proposed Deep Land Park and Ride connection which is to be delivered as part of the Sherford new community.</p> <p>Good connectivity and a resilient transport network supports the effective functioning of our economy, enabling residents to access employment opportunities and linking businesses to skill, customer and supply chain markets. Significant investment from the Department for Transport has already been successfully secured to provide this essential transport</p>	

		<p>infrastructure to support growth and the future of the city.</p> <p>Successful delivery of this scheme will give further confidence to national and regional funding decision makers that Plymouth is a city that can deliver large scale investment projects that will make a real difference in driving forward growth and the local economy. Being able to cite recent examples for the project such as Derriford Hospital Interchange and Marjons Link Road has helped secure Department for Transport NPIF funding for this scheme; successful delivery of the project will give the same confidence when the Council is seeking funding for other future major projects.</p>		
10	Please specify any direct environmental implications of the decision (carbon impact)	<p>The scheme supports Government priorities for sustainable growth and decarbonising transport by improving the quality of travel options by non-car modes.</p>		
Urgent decisions				
11	Is the decision urgent and to be implemented immediately in the interests of the Council or the public?	Yes		(If yes, please contact Democratic Support (democraticsupport@plymouth.gov.uk) for advice)
		No	X	(If no, go to section 13a)
12a	Reason for urgency: N/A			
12b	Scrutiny Chair Signature:		Date	
	Scrutiny Committee name:			
	Print Name:			
Consultation				
13a	Are any other Cabinet members' portfolios affected by the decision?	Yes	X	
		No		(If no go to section 14)
13b	Which other Cabinet member's portfolio is affected by the decision?	<p>Councillor Coker, Cabinet Member for Strategic Planning and Infrastructure</p>		

13c	Date Cabinet member consulted	10 December 2020		
14	Has any Cabinet member declared a conflict of interest in relation to the decision?	Yes		If yes, please discuss with the Monitoring Officer
		No	X	
15	Which Corporate Management Team member has been consulted?	Name	Anthony Payne	
		Job title	Strategic Director for Place	
		Date consulted	21 December 2020	

Sign-off


16	Sign off codes from the relevant departments consulted:	Democratic Support (mandatory)	DS80 20/21
		Finance (mandatory)	djn.20.21.202
		Legal (mandatory)	MS/17.12.20
		Human Resources (if applicable)	N/A
		Corporate property (if applicable)	N/A
		Procurement (if applicable)	SN/PS/571/ED/1220

Appendices

17	Ref.	Title of appendix
	A	Forder Valley Interchange – Part I Briefing Note – Business Case Update & Contract Award
	B	Forder Valley Interchange Equalities Impact Assessment

Confidential/exempt information

18a	Do you need to include any confidential/exempt information?	Yes	X	If yes, prepare a second, confidential ('Part II') briefing report and indicate why it is not for publication by virtue of Part I of Schedule 12A of the Local Government Act 1972 by ticking the relevant box in 18b below. (Keep as much information as possible in the briefing report that will be in the public domain)
		No		

		Exemption Paragraph Number						
		1	2	3	4	5	6	7
18b	Confidential/exempt briefing report title:							
Background Papers								
19	<p>Please list all unpublished, background papers relevant to the decision in the table below.</p> <p>Background papers are <u>unpublished</u> works, relied on to a material extent in preparing the report, which disclose facts or matters on which the report or an important part of the work is based. If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part I of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.</p>							
Title of background paper(s)		Exemption Paragraph Number						
		1	2	3	4	5	6	7
Forder Valley Interchange – Part II Briefing Note – Business Case Update				X				
Forder Valley Interchange – Part II Briefing Note – Contract Award Report				X				
Cabinet Member Signature								
20	<p>I agree the decision and confirm that it is not contrary to the Council's policy and budget framework, Corporate Plan or Budget. In taking this decision I have given due regard to the Council's duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act and those who do not. For further details please see the EIA attached.</p>							
Signature				Date of decision	5 January 2021			
Print Name	Cllr Tudor Evans OBE							

FORDER VALLEY INTERCHANGE

Part I Briefing Note – Business Case Update & Contract Award



1. RECOMMENDATIONS

It is recommended that the Leader of the Council:

- Approves the Business Case update
- Allocates £1,708,447 for the project into the Capital Programme funded from the Integrated Funding Block and reallocation of salary capitalisation
- Authorises the procurement process to award the construction works to Balfour Beatty by way of a Deed of Variation to the Forder Valley Link Road NEC3 SCAPE Framework contract.

2. SCHEME SUMMARY

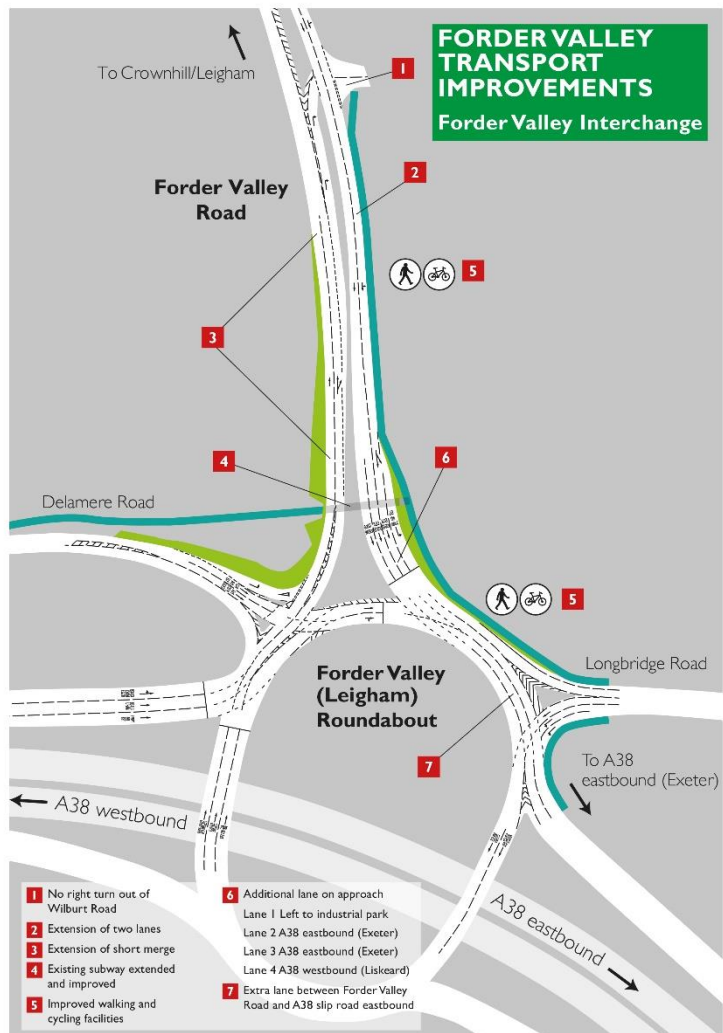
The Forder Valley Interchange scheme compliments the Forder Valley Link Road works and the two schemes together optimise the benefits of providing a new key link as an alternative route to the north of the city from the east.

The new link this scheme facilitates is fundamental in relieving congestion at Manadon Roundabout and is therefore an essential project to the delivery of the growth identified in the Joint Local Plan.

The project is identified as a part of the strategic transport infrastructure required to support the significant numbers of new homes and jobs that are planned for the north and east of the city over the lifespan of the Plymouth and South West Devon Joint Local Plan. The Forder Valley Interchange scheme directly supports the following Joint Local Plan policies: SPT8; SPT9; SPT10; SPT12; PLY47; and PLY57.

The Forder Valley Interchange scheme will improve and extend the existing short merge from the Forder Valley (Leigham) Roundabout heading north on Forder Valley Road, extend the two lanes heading south and add a short fourth lane on the southbound approach to the roundabout. The scheme will also add an extra lane on the roundabout itself between Forder Valley Road and the A38 eastbound slip road.

These improvements will increase capacity and allow traffic to flow more smoothly, relieving congestion and queuing which currently extends back onto the roundabout circulatory and down the A38 westbound off-slip.



The subway under Forder Valley Road will be extended and walking and cycling facilities will be improved.

This project combined with the Forder Valley Link Road project (FVLR) enable the creation of an important new public transport link between the east of the City and the second busiest interchange at Derriford Hospital. It also facilitates the future link needed for the proposed Deep Land Park and Ride connection which is to be delivered as part of the Sherford new community.

3. PROGRESS UPDATE

The original business case and procurement approach was approved in March 2018. Since then, the Forder Valley Interchange scheme has progressed through the Outline Design stage and the Detailed Design was completed in August 2020. An early construction cost estimate indicated there would be budget pressures with the preferred design and a vigorous value engineering exercise was subsequently undertaken in May 2020 to review all options to reduce the scheme costs, whilst maintaining the scheme benefits on which the scheme was awarded £5 million of funding from the DfT.

Costs were reduced through changes to the road alignment to avoid retaining structures and some utility diversions, as well as programming the works so the new carriageway will be built offline, significantly reducing traffic management costs and the need for excessive temporary works.

Efficiencies of co-delivery with the Forder Valley Link Road works were also established, predominantly with re-use of site won material and sharing of staff resources.

Options to further de-scope the scheme were investigated but were not appropriate on the basis they would either

- reduce the scheme benefits and impact the business case BCR, putting the DfT funding at risk;
- not address existing highways maintenance issues which would undermine the new infrastructure being provided and leave the Council with residual maintenance pressures in the medium to long term
- or reduce the scheme's resilience to climate change (for example reducing the drainage attention or removing the walking and cycling upgrades that would otherwise help to encourage more trips through walking and cycling).

The preferred design was then completed to 'For Construction' status and the Contractor submitted a fully market-tested target cost package in October 2020, which creates an overall scheme budget pressure of £1.71m.

Key reasons for the increase in costs include: additional investment in obtaining robust design information through surveys and site investigations and assessments during pre-construction, change in drainage design to satisfy the appropriate climate change measures, need for full carriageway reconstruction on Forder Valley Road, extended construction programme and Covid-19 and the impact on market conditions

Alternative options to proceed with this scheme have been assessed and subsequently dismissed and are summarised below.

De-scope scheme – Rejected

Costs pressures have already been significantly captured through a vigorous value engineering exercise as part of the design process. Options to further de-scope the scheme were investigated but were not appropriate on the basis they would either

- reduce the scheme benefits and impact the business case BCR, putting the DfT funding at risk;

- not address existing highways maintenance issues which would undermine the new infrastructure being provided and leave the Council with residual maintenance pressures in the medium to long term
- or reduce the scheme's resilience to climate change (for example reducing the drainage attention or removing the walking and cycling upgrades that would otherwise help to encourage more trips through walking and cycling).

Re-tender – Rejected

The Council's Procurement team assisted with appraising three procurement routes for this scheme and the preferred option is to award the construction works to Balfour Beatty by way of a Deed of Variation to the existing Forder Valley Link Road NEC3 SCAPE Framework contract.

A full OJEU compliant new tender process would introduce a delay of at least one year.

Utilisation of other Frameworks has been considered and, whilst this would be a quicker procurement process than OJEU, there would still be significant delay to the current programme and in both re-tender scenarios, the efficiencies currently realised with co-delivery alongside FVLR would also be lost.

In order to overcome the current known budget shortfall in the existing target cost, when additional inflation and a loss of efficiencies are added, a new contractor would have to present a target cost around 35% cheaper and this is considered extremely unlikely.

Do not proceed – Rejected

If the scheme were to not go ahead, the existing bottleneck on Forder Valley Road (which has the potential to queue back onto the mainline A38 during busy periods) would remain. This currently deters vehicles using this route and adds strain to the Manadon Junction. These issues would not be resolved and some of the highway maintenance aspects of the scheme would still need to be resolved in the foreseeable future.

Whilst the CIL funding contribution could be reallocated for use on another scheme, the £5m of funding from the DfT would need to be returned.

It is therefore recommended that we proceed with the preferred scheme and procurement process and that £1.71m of additional funding is approved and allocated to the Capital Programme. The Forder Valley Interchange construction can then be awarded by way of a Deed of Variation to the existing Forder Valley Link Road (FVLR) NEC 3 SCAPE Framework contract with Balfour Beatty.

4. PROPOSED PROGRAMME

- Contract award – January / February 2021
- Enabling works and mobilisation – Early February for site set up and key utility diversions
- Main constructions works – February / March 2021-April/ May 2022

5. RISKS

Potential Risk 1 Identified				
Description	Supply chain disruption during construction as a result of Covid-19 or Brexit			
Mitigation	Utilisation of subcontractors who are working on FVLR and who are familiar with new working practices where possible. Consideration for vesting any key materials once in contract to de-risk this issue. The contractor & sub-contractors have been asked to price on the basis of implementing the Construction Leadership council's Site Operating Procedures.			
Risk assessment	Initial	Post mitigation	Current	Current total rating
Likelihood To be scored 1 (low) – 5 (high)	5	2	2	6
Impact To be scored 1 (low) – 5 (high)	4	4	4	
Trend	Reducing	Lead officer	Sarah McVeigh	
		Risk champion	Philip Heseltine	
Potential Risk 2 Identified				
Description	Delays to the contract award result in missing window for site clearance works and enabling works to take place ahead of the bird nesting season.			
Mitigation	This business underwrites the full scheme costs to enable the construction works to be awarded. Work for the main contractor to secure the subcontractors undertaking clearance works may need to start in advance of the Deed of Variation being signed. These works can be undertaken as a Compensation Event to the main Forder Valley Link Road contract to ensure that the tree and vegetation clearance can take place in advance of bird nesting season.			
Risk assessment	Initial	Post mitigation	Current	Current total rating
Likelihood To be scored 1 (low) – 5 (high)	4	3	2	6
Impact To be scored 1 (low) – 5 (high)	4	3	3	
Trend	Reducing	Lead officer	Sarah McVeigh	
		Risk champion	Philip Heseltine	
Potential Risk 3 Identified				
Description	Statutory Undertakers works estimates increase in value			
Mitigation	Completed detailed design information issued to each utility company. Attendance of Prestart meetings at the earliest opportunities.			
Risk assessment	Initial	Post mitigation	Current	Current total rating
Likelihood To be scored 1 (low) – 5 (high)	5	3	3	12
Impact To be scored 1 (low) – 5 (high)	4	4	4	
Trend	Reducing	Lead officer	Sarah McVeigh	
		Risk champion	Philip Heseltine	

Potential Risk 4 Identified				
Description	Traffic disruption requires additional TM infrastructure			
Mitigation	The traffic management proposals have been developed to minimise disruptive measures and where this cannot be avoided, these works activities will take place off-peak or overnight. Meetings with PCC network management and Highways England have taken place to discuss traffic management plans and phasing. The plans are to be agreed in principle with approving authorities prior to contract award. Encouragement of continued communication throughout construction.			
Risk assessment	Initial	Post mitigation	Current	Current total rating
Likelihood To be scored 1 (low) – 5 (high)	5	2	2	6
Impact To be scored 1 (low) – 5 (high)	4	3	3	
Trend	Reducing	Lead officer	Sarah McVeigh	
		Risk champion	Philip Heseltine	
Potential Risk 5 Identified				
Description	Unforeseen ground condition			
Mitigation	Extensive Ground Investigation surveys and assessments have been undertaken across the site to reduce this risk.			
Risk assessment	Initial	Post mitigation	Current	Current total rating
Likelihood To be scored 1 (low) – 5 (high)	5	2	2	6
Impact To be scored 1 (low) – 5 (high)	4	3	3	
Trend	Reducing	Lead officer	Sarah McVeigh	
		Risk champion	Philip Heseltine	

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The following relates to exempt or confidential matters (Para(s) 3 of Part 1, Schedule 12A of the Local Govt Act 1972). Any breach of confidentiality could prejudice the Council/person/body concerned & might amount to a breach of the councillors /employees codes of conduct.

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EQUALITY IMPACT ASSESSMENT

Strategic Planning and Infrastructure



STAGE I: WHAT IS BEING ASSESSED AND BY WHOM?

What is being assessed - including a brief description of aims and objectives?	Forder Valley Interchange <u>Aims:</u> The Forder Valley Interchange scheme aims to unlock sustainable growth by reducing current congestion and minimising the impact of additional trips on the highway network that will be generated from new developments in the area. The scheme aims to improve journey times and reliability by increasing capacity through localised widening on Forder Valley Road and Forder Valley Interchange and enhancing the pedestrian and cycling facilities. The scheme also aims to relieve queuing on the Forder Valley Interchange circulatory and the A38 trunk road network. <u>Objectives:</u> <ol style="list-style-type: none">1. Reduce congestion by providing additional transport capacity through localised widening on Forder Valley Road and Forder Valley Interchange.2. Improve traffic flow by extending the substandard merge area on Forder Valley Road northbound from Forder Valley Interchange.3. Support economic development by providing transport infrastructure to support the planned growth in the Derriford and Seaton areas.4. Improve accessibility to employment, education and leisure facilities in the Derriford and Seaton areas particularly by bus and active modes through connecting to the new proposed Forder Valley Link Road.5. Encourage use of walking and cycling by upgrading the off-road facility on Forder Valley Road.
Author	S Carey
Department and service	Strategic Planning and Infrastructure
Date of assessment	19 June 2017

STAGE 2: EVIDENCE AND IMPACT

Protected characteristics (Equality Act)	Evidence and information (eg data and feedback)	Any adverse impact See guidance on how to make judgement	Actions	Timescale and who is responsible
Age	50+ Plymouth - 34.1% (nationally - 33.3%) • 75+ Plymouth - 7.6% (nationally - 7.5%) • 0-15 Plymouth - 17.5% (nationally - 20.2%) • Over 75's predicted to rise faster than any other group (19k in 2011 to 24k k in 2021).	The scheme is not anticipated to have any adverse impact on specific age groups.	N/A	N/A
Disability	31,164 people declared themselves having long term health problem or disability.	The scheme is not anticipated to have any adverse impact on specific disability groups.	Crossing facilities will be upgraded to support the visually and mobility impaired.	
Faith/religion or belief	Christian 148,917 people (58.1%).	The scheme is not anticipated to have any adverse impact on specific faiths, religions or beliefs.	N/A	

	<p>Islam 2,078 people (0.8%).</p> <p>Buddhism 881 people (0.3%).</p> <p>Hinduism 567 people (0.2%) described their religion as Hindu.</p> <p>Judaism 168 people (0.1%)</p> <p>Sikhism 89 people (<0.1%)</p>			
Gender - including marriage, pregnancy and maternity	<p>50.6% of population are women.</p> <p>Of those aged 16 and over 90,765 (42.9%) people are married. 5,190 (2.5%) are separated and still legally married or legally in a same-sex civil partnership.⁷</p> <p>34 Civil Partnership Formations in Plymouth in 2013</p> <p>0 Teenage conceptions in Derriford West & Crownhill in 2012.</p>	The scheme is not anticipated to have any adverse impact on specific faiths, religions or beliefs.	N/A	
Gender reassignment	26 referrals from Plymouth were made to the Newton Abbott clinic, in 2013/14 to February 6.	The scheme is not anticipated to have any adverse impact on specific gender reassignment.	N/A	
Race	92.9% of Plymouth's population identify themselves as White	The scheme is not anticipated to have any adverse impact on	N/A	

	British. 7.1% identify themselves as Black and Minority Ethnic (BME) with White Other (2.7%), Chinese (0.5%) and Other Asian (0.5%) the most common ethnic groups.	specific gender reassignment.		
Sexual orientation - including civil partnership	It estimated that there are 12,500 – 17,500 Lesbian, gay or bi-sexual people aged over 16.	The scheme is not anticipated to have any adverse impact on specific gender reassignment.	N/A	

STAGE 3: ARE THERE ANY IMPLICATIONS FOR THE FOLLOWING? IF SO, PLEASE RECORD ACTIONS TO BE TAKEN

Local priorities	Implications	Timescale and who is responsible
Reduce the inequality gap, particularly in health between communities.	The scheme will improve journey times and reliability of journeys to health care facilities at Derriford Hospital. The scheme will also offer facilities to encourage active travel helping to improve health.	2019/2020 Head of Transport, Infrastructure & Investment.
Good relations between different communities (community cohesion)	The scheme will help provide improved connectivity between neighbouring areas by joining to the proposed new Forder Valley Link Road which provides a new route between the east and north of the city.	2019/2020 Head of Transport, Infrastructure & Investment.
Human rights Please refer to guidance	It is not anticipated that people's human rights will be impacted upon by the scheme.	2019/2020 Head of Transport, Infrastructure & Investment.
Principles of fairness Please refer to guidance	It is not anticipated that the scheme will have any adverse impact in terms of fairness.	2019/2020 Head of Transport, Infrastructure & Investment.

STAGE 4: PUBLICATION

Date 19 June 2017



Responsible Officer: Philip Heseltine

Head of Transport, Infrastructure & Investment

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EXECUTIVE DECISION

made by a Cabinet Member




REPORT OF ACTION TAKEN UNDER DELEGATED AUTHORITY BY AN INDIVIDUAL CABINET MEMBER

Executive Decision Reference Number – L29 20/21

Decision	
1	Title of decision: Allocation of additional in year Disabled Facilities Grant (DFG) in 2020/21
2	Decision maker (Cabinet member name and portfolio title): Councillor Tudor Evans, Leader
3	Report author and contact details: Dave Ryland (Community Connections Strategic Manager) 01752 304 823 dave.ryland@plymouth.gov.uk Matt Garrett (Service Director of Community Connections), matt.garrett@plymouth.gov.uk , 01752 306733
4	Decision to be taken: <ol style="list-style-type: none"> 1. Approve the Briefing Note. 2. Approves an increase to the capital programme of £333,922 for the project financed by Better Care Funding for the provision of mandatory Disabled Facilities Grants and assistance offered through the Independent Living Policy in 2020/21 3. Delegates the approval of spend to Craig McArdle, Strategic Director for People
5	Reasons for decision: DFG's are mandatory governed by the 1996 Housing Grants, Construction and Regeneration Act. The likely consequences for the council in not providing DFG's will be increasing complaints of maladministration, with resulting fines, and negative perceptions and media coverage. DFG's greatly improve quality of life for clients, their careers and family members and effective use of the grants will help contain the potential increase in associated costs to Social Care Services.
6	Alternative options considered and rejected: DFG's are mandatory and must be delivered in accordance with statutory requirements and Department of Communities and Local Government (DCLG) guidance. Eligible applicants are entitled to apply to the council for a DFG.
7	Financial implications: For 2020/21, the approved budget of £2,479,859 is wholly supported from a matching government grant, ring-fenced to the Better Care Fund this £333,922 is subject to the same controls. Revenue Implication: There are no other direct revenue implications associated with the additional provision funding. However, there is evidence to suggest that the provision of DFG's reduces revenue pressures within other services, including Adult Social Care Packages, Residential Care and Health Services.

	<p>The Better Care Fund (BCF) includes all central funding for DFGs from 2015. The BCF is a £5.3bn pooled fund between health, social care and housing, which aims to improve the way support for older and disabled people is both commissioned and funded.</p> <p>Agreement to fund DFG as indicated within the Better Care Fund (BCF) settlement has been provided and supported through Integrated Health and Wellbeing Board (IHWB).</p>			
8	<p>Is the decision a Key Decision? (please contact Democratic Support for further advice)</p>	Yes	No	<p>Per the Constitution, a key decision is one which:</p> <p>in the case of capital projects and contract awards, results in a new commitment to spend and/or save in excess of £3million in total</p> <p>in the case of revenue projects when the decision involves entering into new commitments and/or making new savings in excess of £1million</p> <p>is significant in terms of its effect on communities living or working in an area comprising two or more wards in the area of the local authority.</p>
			x	
		x		
		x		
	<p>If yes, date of publication of the notice in the Forward Plan of Key Decisions</p>			
9	<p>Please specify how this decision is linked to the Council's corporate plan/Plymouth Plan and/or the policy framework and/or the revenue/capital budget:</p>	<p>The provision of DFG's contributes to 'Caring Plymouth' by promoting independence and reducing health and social inequality, helping people to take control of their lives and to be treated with dignity and respect. DFG funded major adaptations enable people to remain in their own homes, thereby helping to contain the potential for increases in costs to health and care services and minimising risks to disabled people, their family and carers. Wellbeing is a guiding principle throughout the Care Act 2014 which sets out the framework for the future provision of adult social care. Suitability of living accommodation is one of the matters local authorities must take into account as part of its duty to promote wellbeing. The provision of major adaptations is a preventative measure which can promote someone's wellbeing allowing them to live as independently as possible and for as long as possible.</p>		
10	<p>Please specify any direct environmental implications of the decision (carbon impact)</p>	N/A		
Urgent decisions				
11	<p>Is the decision urgent and to be implemented immediately in the interests of the Council or the public?</p>	Yes		(If yes, please contact Democratic Support (democraticsupport@plymouth.gov.uk) for advice)
		No	X	(If no, go to section 13a)
12a	Reason for urgency:			

I2b	Scrutiny Chair Signature:		Date
	Scrutiny Committee name:		
	Print Name:		
Consultation			
I3a	Are any other Cabinet members' portfolios affected by the decision?	Yes	X
		No	(If no go to section I4)
I3b	Which other Cabinet member's portfolio is affected by the decision?	Councillor Chris Penberthy, Cabinet Member for Housing and Co-operative Development	
I3c	Date Cabinet member consulted	17/12/2020	
I4	Has any Cabinet member declared a conflict of interest in relation to the decision?	Yes	
		No	X
I5	Which Corporate Management Team member has been consulted?	Name	Craig McArdle
		Job title	Strategic Director for People
		Date consulted	14/12/2020
Sign-off			
I6	Sign off codes from the relevant departments consulted:	Democratic Support (mandatory)	DS77 20/21
		Finance (mandatory)	djn.20.21.200
		Legal (mandatory)	lt/35891/171220
		Human Resources (if applicable)	
		Corporate property (if applicable)	
		Procurement (if applicable)	
Appendices			
I7	Ref.	Title of appendix	
	A	Additional in Year Funding 2020/21 - Disabled Facilities Grant Briefing	

	B	DFG Equalities Impact Assessment 2020						
Confidential/exempt information								
18a	Do you need to include any confidential/exempt information?	Yes		If yes, prepare a second, confidential ('Part II') briefing report and indicate why it is not for publication by virtue of Part I of Schedule 12A of the Local Government Act 1972 by ticking the relevant box in 18b below. (Keep as much information as possible in the briefing report that will be in the public domain)				
		No	X					
		Exemption Paragraph Number						
		1	2	3	4	5	6	7
18b	Confidential/exempt briefing report title:							
Background Papers								
19	Please list all unpublished, background papers relevant to the decision in the table below. Background papers are <u>unpublished</u> works, relied on to a material extent in preparing the report, which disclose facts or matters on which the report or an important part of the work is based. If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part I of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.							
Title of background paper(s)		Exemption Paragraph Number						
		1	2	3	4	5	6	7
Cabinet Member Signature								
20	I agree the decision and confirm that it is not contrary to the Council's policy and budget framework, Corporate Plan or Budget. In taking this decision I have given due regard to the Council's duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act and those who do not. For further details please see the EIA attached.							
Signature			Date of decision	5 January 2021				
Print Name	Cllr Tudor Evans OBE							

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BRIEFING REPORT

Additional in Year Funding 2020/21 - Disabled Facilities Grant



This Executive Decision relates to additional in year allocation of funding for Disabled Facilities Grant specified via the Better Care Fund for 2020/21.

The Council has a statutory duty to approve mandatory Disabled Facilities Grants (DFG's) for major adaptations. This work supports people of all ages to live in suitable housing so they can remain independent, thereby helping to contain the potential increase in costs to Social Care Services.

The legislation governing DFGs is the 1996 Housing Grants, Construction and Regeneration Act. DFGs are mandatory and are available from local authorities in England and Wales, subject to a means test unless in scope of discretionary works. The grants are to provide adaptations, to the home environment to enable independence and keep people living in their own homes, in safety and with dignity.

The DFG allocation is specified via the Better Care Fund (BCF). The additional in year funding was announced on 3rd December 2020 by Kelly Tolhurst, the Parliamentary Under-Secretary of State for Rough Sleeping and Housing. This additional funding will be subject to the same grant conditions as the main £505 million DFG fund that was paid to local authorities in May and will increase the overall DFG baseline for 2020-21 to £573 million. This additional allocation will see Plymouth receive a further £333,922 building on the initial allocation of £2,479,859.

Funding is for the provision of adaptations to disabled people's homes to help them to live independently for longer. This continual commitment is to encourage areas to think strategically about the use of home aids/adaptations, use of technologies to support people in their own homes, and to take a joined-up approach to improving outcomes across health, social care and housing.

Throughout 2019/20 Community Connections successfully completed 252 cases with an average cost of £7070. To note the recording of a case completion often refers to the successful installation of multiple adaptations such as a bathroom, stair lift and ramp.

Whilst the delivery of Disabled Facilities Grant work has been hampered as a result of COVID-19 there have been 82 adaptations completed across the city so far this year. Further there are over 100 other cases in varying stages of adaptation delivery.

The Dynamic Purchasing System embedded throughout 2019/20 has and will continue to be used in 2020/21. The system encourages local tradespeople, who have displayed that they are competent and professional, to tender for works offered by the local authority on behalf of the client. Works carried out are done so with an insurance backed warranty for 2 years and clients are given the opportunity to extend this cover, outside of the grant, should they wish. Utilising this system coming out of the current COVID-19 crisis will enable registered contractors to begin their business recovery. Works being undertaken currently by Community Connections will see a large upload of works to the system, enabling contractors to be prepared, supply chains checked and clients to be given piece of mind.

Additional in year funding will permit proactive activity to be undertaken in relation to waiting lists held by Plymouth City Councils Community Connections Team. Currently there are in excess of 250 known clients who are due to return information to the service to progress their application. Work to progress these cases through to a valid application will be undertaken resulting in contact being made with clients

to understand and overcome blockages on a case by case basis. This work in turn will increase financial demand and thus determine the spend of this additional in year funding. Further as cases are progressed to valid application, opportunities to expedite specified adaptation types will be considered. Upon the completion of waiting list reviews an analysis of root causes to blockages will be conducted and measures implemented where possible to prevent further occurrences. This will ensure that we continue to offer a service which is accessible and suitable to all the city's residents.

Decision to be taken:

1. Approve the Briefing Note.
2. Approves an increase to the capital programme of £333,922 for the project financed by Better Care Funding for the provision of mandatory Disabled Facilities Grants and assistance offered through the Independent Living Policy in 2020/21
3. Delegates the approval of spend to Craig McArdle, Strategic Director for People

EQUALITY IMPACT ASSESSMENT

Community Connections



STAGE 1: WHAT IS BEING ASSESSED AND BY WHOM?

<p>What is being assessed - including a brief description of aims and objectives?</p>	<p>The Council has a statutory duty to approve mandatory Disabled Facilities Grants (DFGs) for major adaptations. This work helps people to live independently in their own homes, thereby helping to contain the potential increase in costs to Social Care Services.</p> <p>The legislation governing DFGs is the Housing Grants, Construction and Regeneration Act 1996. DFGs are mandatory and are available from Local Authorities in England and Wales, subject to a means test. The purpose of the Grant is to provide adaptations to the home environment to promote independence and allow people to remain in their own homes.</p> <p>Please note that this document is based on information from the 2011 UK census and hence DFG data has not been updated since the previous Equality Impact Assessment. The next UK census is currently scheduled for March 2021, after which this assessment will be re-visited and the DFG data will be updated accordingly.</p>
<p>Author</p>	<p>Stephen Evans, Community Connections Technical Lead (Housing Improvement)</p>
<p>Department and service</p>	<p>Community Connections</p>
<p>Date of assessment</p>	<p>25/02/2020</p>

STAGE 2: EVIDENCE AND IMPACT

Protected characteristics (Equality Act)	Evidence and information (e.g. data and feedback)	Any adverse impact See guidance on how to make judgement	Actions	Timescale and who is responsible
<p>Age</p>	<p>The average age in Plymouth (39 years) is about the same as the rest of England (39.3 years) but less than the South West (41.6 years).</p> <p>Of the 16 South West authorities we have the third</p>	<p>Older people and younger people are recognised as potentially vulnerable groups.</p> <p>The DFG is means tested.</p> <p>Homes that cannot be adapted to</p>	<p>Advice for those with a contribution to make towards the cost of the works given by Community Connections.</p>	<p>Ongoing, Community Connections Strategic Manager</p>

	<p>lowest percentage of older people (75yrs), and the fifth highest percentage of children and young people (under 18).</p> <p>75% of DFG applicants are older people and as such the above statistics do not reflect the demand for this type of service.</p> <p>It is estimated that 6.8% of young people in our city aged between 16 and 18yrs are not in Education, Employment or Training (NEET), (DfE, 2018).</p> <p>DFG assistance is also available for children, however these are not means tested.</p>	<p>meet the occupier’s need. Owner occupiers are encouraged and supported to move to a more suitable home.</p> <p>Tenants are supported to find more suitable accommodation either via Community Connections or Devon Home Choice.</p> <p>Services offered in lieu of DFG – NIL Grant Application (please see Plymouth City Council Independent Living Assistance Policy 2019, section 3.7) with a fee of 1% of the cost of the works payable to Independence Community Interest Company (INCIC) for the use of the Dynamic Purchasing System (DPS) and a further 1% of the cost of the works payable to Plymouth City Council (PCC) to cover administration costs.</p>		
<p>Disability</p>	<p>A total of 31,164 people (from 28.5% of households) in Plymouth declared themselves as having a long term health problem or disability (national figure 25.7% of households), compared with number of people with disabilities in UK (11,600,000).</p> <p>National evidence suggests:</p> <p>A substantially higher</p>	<p>Limitations of the approved budget potentially result in some disabled people waiting for their adaptations. If the disabled person is considered eligible (i.e. means testing) for grant funded adaptation works they will receive works to their home environment, however, they may have to wait.</p> <p>A prioritisation system has been employed to ensure those most in</p>	<p>Continued monitoring of prioritisation scheme to ensure fairness and compliance by officers.</p> <p>Notification to customers of the anticipated wait time.</p>	<p>Ongoing, Community Connections Strategic Manager</p>

	<p>proportion of individuals who live in families with disabled members live in poverty, compared to individuals who live in families where no one is disabled.</p> <p>19% of individuals in families with at least one disabled member live in relative income poverty, on a before housing costs basis, compared to 15% of individuals in families with no disabled member.</p> <p>21% of children in families with at least one disabled member are in poverty, a significantly higher proportion than the 16% of children in families with no disabled member.</p> <p>DFG assistance is available to all people in need of home adaptations to enable independent living. These grants are targeted at those with disabilities, but not necessarily those registered disabled.</p>	<p>need receive their adaptation soonest (please see Independent Living Assistance Policy 2019).</p>		
<p>Faith/religion or belief</p>	<p>Christianity is the biggest faith in the city with more than 58% of the population (148,917).</p> <p>Data shows that 32.9% of the</p>	<p>No adverse Impact.</p> <p>Small number of applicants from minority religions identified.</p>	<p>Work to promote services to minority groups.</p>	<p>Ongoing, Community Connections Strategic Manager</p>

	<p>Plymouth population stated they had no religion.</p> <p>Hindu, Buddhist, Jewish and Sikh combined totalled less than 1%.</p> <p>0.5% of the population had a current religion that was not Christian, Islam, Buddhism, Hinduism, Judaism, or Sikh such as Paganism or Spiritualism.</p> <p>Of those DFGs completed in 13/14 56% identified as Christian; 1% Muslim; 40.5% No Religion; 2.5% Other.</p> <p>The Council's Policy is to treat all those that apply for assistance fairly and on an equitable basis founded on case by case needs assessment regardless of 'protected characteristics'.</p> <p>The Council regularly monitors its application for assistance to ensure that policies and procedures comply with current equal opportunities legislation.</p>		<p>Review application rates from BME communities.</p> <p>Monitor the impact of promotion to BME communities.</p>	
<p>Gender - including marriage, pregnancy and maternity</p>	<p>Overall 50.2% of our population are women and 49.8% are men; this reflects the national figure of 50.7% women and 49.3% men. Of</p>	<p>No adverse impact anticipated.</p>	<p>Not applicable.</p>	<p>Not applicable.</p>

	<p>those in receipt of DFG 2014/15 60% were women.</p> <p>Given the age range of applicants for DFG, and the statistic that women live longer, the above % is as expected.</p> <p>The Council's Policy is to treat all those that apply for assistance fairly and on an equitable basis founded on case by case needs assessment regardless of 'protected characteristics'. The Council regularly monitors its application for assistance to ensure that policies and procedures comply with current equal opportunities legislation.</p>			
<p>Gender reassignment</p>	<p>There are no official estimates for gender reassignment at either national or local level. However, in a study founded by the Home Office, the Gender Identity Research and Education Society (GIRES) estimate that between 300,000 and 500,000 people aged 16 or over in the UK are experiencing some degree of gender variance. By applying this to Plymouth's 16+ population,</p>	<p>No adverse impact anticipated.</p>	<p>Not applicable.</p>	<p>Not applicable.</p>

	<p>it is estimated that there may be somewhere between 1,287 and 2,146 adults in the city that are experiencing some degree of gender variance.</p> <p>National figures (ONS 2013) indicate that up to 10,000 people have gone through this process, with 23 known cases in Plymouth.</p> <p>No specific evidence to suggest trans people are any more or less likely to require adaptations to their home environment can be found.</p> <p>The Council's Policy is to treat all those that apply for assistance fairly and on an equitable basis founded on case by case needs assessment regardless of 'protected characteristics'. The Council regularly monitors its application for assistance to ensure that policies and procedures comply with current equal opportunities legislation.</p>			
<p>Race</p>	<p>92.9% of Plymouth's population is White British.</p> <p>7.1% are Black and Minority Ethnic (BME) with White Other (2.7%), Chinese (0.5%)</p>	<p>No impact anticipated.</p>	<p>Work with Social Inclusion Unit to promote services to BME community.</p> <p>Review application rates</p>	<p>Ongoing, Community Connections Strategic Manager</p>

	<p>and Other Asian (0.5%) the most common ethnic groups.</p> <p>We are a dispersal area for asylum seekers: up to 350 people will be accommodated in the City at any given time.</p> <p>Of those DFG completed in 13/14 85% identified as White British; 0.4% White Irish; 0.3% Chinese; 0.4% Other and 14% did not give information.</p> <p>The Council's Policy is to treat all those that apply for assistance fairly and on an equitable basis founded on case by case needs assessment regardless of 'protected characteristics'. The Council regularly monitors its application for assistance to ensure that policies and procedures comply with current equal opportunities legislation</p>	<p>Customers for whom English is a second language may be disadvantaged as Application form and associated paperwork is to be published in English.</p>	<p>from BME communities.</p> <p>Monitor the impact of promotion to BME communities.</p> <p>Policy and related documentation can be translated in to required language upon request via 'Translate Plymouth'. Publications for local information and marketing will be given to organisation using the most appropriate language. Organisations will be consulted on the most appropriate language and translation and other formats offered.</p> <p>Staff have been trained in Equality & Diversity and comply with the requirements.</p>	
<p>Sexual orientation - including civil partnership</p>	<p>Over the last 5 years, the proportion of the UK population identifying as lesbian, gay or bisexual (LGB) has increased from 1.5% in 2012 to 2.0% in 2017, although the latest figure is unchanged from 2016. In Plymouth this would mean that around</p>	<p>No adverse impacts anticipated.</p>	<p>Work with partners to promote services to Minority community.</p> <p>Review application rates from Minority communities.</p> <p>Monitor the impact of promotion to Minority communities.</p>	<p>Ongoing, Community Connections Strategic Manager</p>

	<p>5,260 residents identify as LGB.</p> <p>Of those DFGs completed in 13/14 1% identified as Bisexual; 0.5% as Gay; 0% as Lesbian; 85% as Heterosexual and 13.5% preferred not to say.</p> <p>The Council's Policy is to treat all those that apply for assistance fairly and on an equitable basis founded on case by case needs assessment regardless of 'protected characteristics'. The Council regularly monitors its application for assistance to ensure that policies and procedures comply with current equal opportunities legislation.</p>		<p>Staff have been trained in Equality & Diversity and comply with the requirements.</p>	
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STAGE 3: ARE THERE ANY IMPLICATIONS FOR THE FOLLOWING? IF SO, PLEASE RECORD ACTIONS TO BE TAKEN

Local priorities	Implications	Timescale and who is responsible
Reduce the gap in average hourly pay between men and women by 2020.	No implications.	Not applicable.
Increase the number of hate crime incidents reported and maintain good satisfaction rates in dealing with racist, disablist, homophobic, transphobic and faith, religion and belief incidents by 2020.	No implications.	Not applicable.

<p>Good relations between different communities (community cohesion)</p>	<p>Disabled Facilities Grants are mandatory means tested grants, with no targeted intervention within communities. DFG is applicable to all tenures of housing.</p> <p>Mandatory grant is available to those with specific living requirements due to disability in relation to the home environment. The grant is available city wide and is means tested, therefore is targeted towards those who are unable to fund adaptations via their own funds.</p>	<p>Not applicable.</p>
<p>Human rights Please refer to guidance</p>	<p>Disabled Facilities Grant is aimed at improving health and safety within the home. This will help reduce hospital admissions and reduce the risk of admission to residential care.</p> <p>The Disabled Facilities Grant is contained within the Independent Living Assistance Policy 2019 which is written in line with the Equalities Act 2010. It therefore adheres to the UN Convention of the Human Rights as part of UK law.</p> <p>Plymouth City Council recognises Article 14 of the Human Rights Act – The right to receive Equal Treatment and prohibits discrimination including sex, race, religion and economic and social status in conjunction with the Equalities Act which includes age and disability.</p> <p>All staff and service users will be treated fairly and their human rights will be respected.</p> <p>No adverse impact on human rights has been identified.</p>	<p>Not applicable.</p>

STAGE 4: PUBLICATION

Responsible Officer 

Date 04/05/2020

Strategic Director, Service Director or Head of Service

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EXECUTIVE DECISION

made by a Cabinet Member



REPORT OF ACTION TAKEN UNDER DELEGATED AUTHORITY BY AN INDIVIDUAL CABINET MEMBER


Executive Decision Reference Number – L33 20/21

Decision	
1	Title of decision: Gypsy, Roma, Traveller Unauthorised Encampments Policy Amendment
2	Decision maker (Cabinet member name and portfolio title): Councillor Tudor Evans OBE (Leader)
3	Report author and contact details: Jessica Dann jessica.dann@plymouth.gov.uk
4	<p>Decision to be taken:</p> <p>Amendment to Gypsy, Roma, Traveller Unauthorised Encampments Policy to remove reference to Temporary Stopping Places.</p> <p>Alternative measures already provided for in the policy such as Negotiated Stopping, will continue to be considered by Community Connections Officers on any new Unauthorised Encampment within the City. Where sites are deemed unsuitable for Negotiated Stopping Officers will rely on designated Local Authority powers to take measures to remove the Unauthorised Encampments as soon as possible. Proactive Target Hardening measures will also be used to deter a community from entering a particular space or taking steps following the leave of an Unauthorised Encampment to prevent the group or additional groups from returning. This will aim to inhibit access through environmental changes to the land such as planting trees, development of green banks or through the use of gates and fences.</p>
5	<p>Reasons for decision:</p> <p>Policy adopted in 2017 and appropriate land to be designated as a Temporary Stopping Place not identified despite considerable officer resource to progress this</p> <p>Definitive conclusion of Temporary Stopping Places financial implications unknown with running costs and management resource required difficult to establish</p> <p>Negotiated Stopping Places are already included in the policy and are an adequate measure to support Unauthorised Encampments and the Gypsy, Roma, Traveller community whilst offering Community Connections officers more flexibility in management of the site</p> <p>Target Hardening will deter the Gypsy, Roma, Traveller community from using unsuitable locations and can be used either as proactive response on certain identified sites or as a preventative measure following the closure of an Unauthorised Encampment site. Natural Infrastructure has been engaged to support this.</p> <p>Devon and Cornwall Police policy is not to move the Gypsy, Roma, Traveller community unless they are causing significant impact in the surrounding area due to crime and anti-social behaviour and it is unclear whether they could operationally support direction to a Temporary</p>

	<p>Stopping Place without a county change to policy</p> <p>Intention to partner with neighbouring LA's to refresh the existing Gypsy, Roma, Traveller community needs assessment and establish whether there is a requirement for shared alternative site provision in line with the 2023 JLP review.</p>			
6	<p>Alternative options considered and rejected:</p> <p>Policy remains as stands and Temporary Stopping Places are sourced. In order to meet this policy significant additional officer resource has been put in play including member lead discussions across council departments. Multiple meetings have been undertaken between Community Connections officers and other departments including planning, waste, natural infrastructure, civil enforcement and public protection. Additional work has included development of a site specification to be shared with third party owners, site identification documents, maps and feasibility studies. Despite this appropriate sites have not been found to progress planning applications in readiness for the start of the travellers' season in 2021.</p> <p>Implement a new policy to provide a permanent transit site. At the current time no land has been identified that would be suitable for this use. Liskeard have recently opened a transit site and are experiencing some challenges with operation. A further needs assessment needs to be completed with the Gypsy, Roma, Traveller community to understand whether they would use a similar site in Plymouth. Not appropriate option for this time.</p>			
7	<p>Financial implications:</p> <p>This amendment has no further financial implications beyond what is currently being delivered when responding to Unauthorised Encampments which includes the costs of facilities (bins, toilets, water), legal costs, bailiffs (where required) and clearance of site. Delivery of Temporary Stopping Places would come at a considerable additional cost to PCC for preparation and submission of ongoing planning applications, third party leasing of land designated as a Temporary Stopping Place, additional facilities and site management. It is unlikely that charges for staying on the site would cover these costs.</p>			
8	<p>Is the decision a Key Decision? (please contact Democratic Support for further advice)</p>	<p>Yes</p>	<p>No</p>	<p>Per the Constitution, a key decision is one which:</p>
			x	<p>in the case of capital projects and contract awards, results in a new commitment to spend and/or save in excess of £3million in total</p>
			x	<p>in the case of revenue projects when the decision involves entering into new commitments and/or making new savings in excess of £1million</p>
			x	<p>is significant in terms of its effect on communities living or working in an area comprising two or more wards in the area of the local authority.</p>
	<p>If yes, date of publication of the notice in the Forward Plan of Key Decisions</p>			

9	Please specify how this decision is linked to the Council's corporate plan/Plymouth Plan and/or the policy framework and/or the revenue/capital budget:	Corporate Plan – Welcoming City Plymouth Plan – INT8 – Celebrating Diverse Communities Community Connections Officers will undertake a Welfare Assessment and Community Impact Assessment when considering the most suitable course of action for any Unauthorised Encampment. Where the site is suitable Negotiated Stopping will be considered.			
10	Please specify any direct environmental implications of the decision (carbon impact)	No impact. Natural Infrastructure have been consulted for target hardening preventative measures and will undertake specified, approved work on identified sites.			
Urgent decisions					
11	Is the decision urgent and to be implemented immediately in the interests of the Council or the public?	Yes		(If yes, please contact Democratic Support (democraticsupport@plymouth.gov.uk) for advice)	
		No	X	(If no, go to section 13a)	
12a	Reason for urgency:				
12b	Scrutiny Chair Signature:			Date	
	Scrutiny Committee name:				
	Print Name:				
Consultation					
13a	Are any other Cabinet members' portfolios affected by the decision?	Yes	X		
		No		(If no go to section 14)	
13b	Which other Cabinet member's portfolio is affected by the decision?	Councillor Chris Penberthy, Housing and Co-operative Development			
13c	Date Cabinet member consulted	05/01/2020			
14	Has any Cabinet member declared a conflict of interest in relation to the decision?	Yes		If yes, please discuss with the Monitoring Officer	
		No	x		
15	Which Corporate Management Team member has been consulted?	Name		Craig McArdle	
		Job title		Strategic Director for People	
		Date		06/01/21	

		consulted						
Sign-off								
16	Sign off codes from the relevant departments consulted:	Democratic Support (mandatory)	DS82 20/21					
		Finance (mandatory)	djn.20.21.208					
		Legal (mandatory)	HM06/20/21					
		Human Resources (if applicable)						
		Corporate property (if applicable)						
		Procurement (if applicable)						
Appendices								
17	Ref.	Title of appendix						
	A	GRT UE Policy						
	B	Equalities Impact Assessment						
	C	GRT UE Policy Statement						
Confidential/exempt information								
18a	Do you need to include any confidential/exempt information?	Yes						
		No	X					
		If yes, prepare a second, confidential ('Part II') briefing report and indicate why it is not for publication by virtue of Part I of Schedule 12A of the Local Government Act 1972 by ticking the relevant box in 18b below. (Keep as much information as possible in the briefing report that will be in the public domain)						
		Exemption Paragraph Number						
		1	2	3	4	5	6	7
18b	Confidential/exempt briefing report title:							
Background Papers								
19	Please list all unpublished, background papers relevant to the decision in the table below. Background papers are <u>unpublished</u> works, relied on to a material extent in preparing the report, which disclose facts or matters on which the report or an important part of the work is based. If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part I of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.							

Title of background paper(s)	Exemption Paragraph Number						
	1	2	3	4	5	6	7
Cabinet Member Signature							
20	I agree the decision and confirm that it is not contrary to the Council's policy and budget framework, Corporate Plan or Budget. In taking this decision I have given due regard to the Council's duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act and those who do not. For further details please see the EIA attached.						
Signature			Date of decision	06/01/21			
Print Name	Councillor Tudor Evans OBE (Leader)						

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**GYPSY, ROMA, TRAVELLER UNAUTHORISED ENCAMPMENT
POLICY STATEMENT**

January 2021



This Policy was published on 06 December 2017 by the then Conservative administration and previously reviewed by the Labour administration in 24 January 2019.

According to a 2019 House of Commons Committee Report Gypsies, Roma and Travellers are among the most disadvantaged people in the country and have poor outcomes in key areas such as health and education.

This policy statement accompanies the amended Gypsy, Roma, Traveller Unauthorised Encampment policy whereby the delivery of Temporary Stopping Places in the city has been removed. This statement outlines the rationale for the change and the focus on the alternative measures already outlined in the policy for Negotiated Stopping Places and Target Hardening, including preventative measures on sites deemed unsuitable.

Temporary Stopping Places are a relatively new development of short term accommodation solutions for Gypsy, Roma, Travellers. There is limited practice in other Local Authorities available to provide a comparator and it is difficult to make definitive conclusions to prove whether the full cost of provision will be lower than the overall cost of managing Unauthorised Encampments. Running costs are difficult to establish although assumptions can be made on the resource required in managing these sites.

The amended policy removes reference to Temporary Stopping Places, which were carefully considered by Officers and Members but are not a sustainable option at this time. Operationally this will have minimal impact on how Community Connections are currently managing Unauthorised Encampments as we have not previously had a Temporary Stopping Place in Plymouth.

This policy amendment has been made following ongoing communication with the Gypsy, Roma, Traveller community on the permanent site at Bayview, those accommodated on the Prince Rock Covid19 Emergency Response Site along with other Unauthorised Encampments and continued discussions with key stakeholders such as the Police and neighbouring Local Authorities.

NEGOTIATED STOPPING PLACES

To meet the needs of the Gypsy, Roma, Traveller community and ensure this amendment does not have a detrimental impact on their rights and wellbeing Community Connections will consider whether the Unauthorised Encampment site would be appropriate to allow for Negotiated Stopping. The policy has always provided for Negotiated Stopping and involves Plymouth City Council Officers making an agreement with the Gypsy, Roma, Traveller community on the Unauthorised Encampment. The agreement allows people to stay on the land they are camped on. The length of the agreement can vary but will be for a maximum of 28 days, as anything beyond this would require planning permission. The agreement will include a code of conduct to leave sites clean and not make too much noise as well as provision of facilities such as waste disposal, toilets and water. Whether a Gypsy, Roma, Traveller community is permitted to stay on a site will be decided dependent on a number of factors within a community impact assessment. Following expiration of the agreed period the Gypsy, Roma, Traveller community will be required to leave and if this does not happen the same process for eviction will be followed as with an Unauthorised Encampment on a non-negotiated site.

Procedural documents to assist Officers in making a decision regarding the use of Negotiated Stopping will continue to be updated to reflect best practice and will be maintained on the website alongside the Unauthorised Encampment policy.

Where Negotiated Stopping has not been agreed or where the site has been deemed unsuitable Community Connections Officers will continue to adhere to policy to remove the Gypsy, Roma, Traveller community from the site using Local Authority designated powers as quickly as possible.

TARGET HARDENING

Target Hardening includes, proactive preventative measures to deter a community from entering a particular space or taking steps following the leave of an Unauthorised Encampment to prevent the group or additional groups from returning. This will aim to inhibit access through environmental changes to the land such as planting trees, development of green banks or through the use of gates and fences. Community Connections will work closely with Natural Infrastructure in identifying and implementing this. Sites deemed as appropriate for this approach will depend on a thorough assessment of the impact of Unauthorised Encampments to the local community, environmental damage, safety of the site for the Gypsy, Roma, Traveller community to settle there and frequency of the number of Unauthorised Encampments arriving on the site.

FUTURE INTENTIONS

We have committed to working closely with our near neighbouring Local Authorities in South Hams and West Devon prior to the Joint Local Plan review in 2023 to ensure that the needs of this community are fully updated in accordance with MHCLG recommendations and best practice. This will be done using local knowledge and Community Connections Localities Officers who are best placed to build relationships with the Gypsy, Roma, Traveller community and support members of the community in expressing needs. Lessons learnt from the recent opening of the Liskeard Transit Site and the Emergency Temporary Stopping Place implemented at Prince Rock in response to Covid19 during 2020 will be taken into consideration during this review.

GYPSY ROMA AND TRAVELLER POLICY

Unauthorised Encampments



EXECUTIVE SUMMARY

Plymouth City Council is responsible for dealing with unauthorised Gypsy Roma and Traveller encampments on land owned by the Council.

The travelling community can experience difficulties finding an authorised place to stop, and may set up an encampment on someone's land without consent, including green space, highway verges and lay-bys. This is a breach of civil law and, in certain circumstances, may be a breach of criminal law.

The aim of this policy is to address the need for an effective approach to the management of unauthorised Gypsy Roma and Traveller encampments on Plymouth City Council land, whilst ensuring that the rights of Plymouth's local settled community and the Gypsy Roma and Traveller communities are balanced.

In addition to this it aims to clarify the internal working arrangements around Unauthorised Encampments across Plymouth City Council departments and services so that any future Unauthorised Encampments can be managed successfully, swiftly and without detriment to any community.

This policy is reliant on a collaborative approach between the council, our partners, and communities.

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1.0 INTRODUCTION

Plymouth has experienced a consistent number of Unauthorised Encampments in the last 4 years, this number is not declining. Gypsies Roma and Travellers have occupied land within parks, on some of our highways and on private land. In addition to this some areas have experienced multiple Unauthorised Encampments during the last 4 years, and this has resulted in additional resources being deployed to deal with the encampment and subsequent site clean-up. The same groups occupying the Unauthorised Encampments have moved from one location to another causing considerable financial cost to the council, but have a clear need to remain in the city for a period of time.

This policy outlines our duties and powers, and our decision making framework. It includes best practice from other areas and builds on our own experience to ensure our process is fair, legal, equitable and ensures community cohesion is safeguarded.

Included in this policy:

- The roles and responsibilities within Plymouth City Council in relation to Unauthorised Encampments
- Process when an unauthorised encampment does occur
- Requirements for recording and monitoring
- Engagement with the Police

2.0 AIMS OF THE POLICY

This policy aims to sets out how Plymouth City Council will respond to Unauthorised Encampments on Plymouth City Council owned land. The policy seeks to ensure that its approach to responding to Unauthorised Encampments is consistent, lawful and proportionate.

The policy has been developed within the context of the Government publication “Dealing with Illegal and Unauthorised Encampments. A Summary of Available Powers (2015)”¹ and other government guidance and legislation². This document is clear - managing Unauthorised Encampments must involve a balance between the rights of the landowner and/or wider community and the rights and welfare needs of those who have established the unauthorised encampment.

This policy does not cover the allocation and management of pitches at Bayview Caravan Park, The Ride, Plymouth. This procedure and policy is covered elsewhere. This policy does, however, cover Unauthorised Encampments that could occur on the land at Bayview Caravan Park as it is owned by Plymouth City Council.

¹ Dealing with illegal and Unauthorised Encampments; A summary of available powers, March 2015, DCLG.

² Designing Gypsy and Traveller Sites; Good Practice Guide, May 2008

Part 55 of Civil Procedure Rules

Criminal Justice and Public Order Act 1994

European Convention of Human Right Act

Equalities Act 2010

3.0 NATIONAL AND LOCAL CONTEXT

Gypsies Roma and Travellers have been part of our community for hundreds of years. This includes those who travel regularly, families living in bricks and mortar housing and on our permanent site at Bayview Caravan Park, The Ride.

We experience around 25-30 Unauthorised Encampments per calendar year. These occur throughout the year, but predominantly and more frequently in the months between March and September.

The Joint Local Plan states there is no assessed need for permanent Gypsy, Roma and Traveller sites, however this will be reassessed at the next point of review in 2023.

Government guidance says that where Unauthorised Encampments are not causing problems; they can be negotiated for a short time (see page 9, 7.2). There will also be places where Unauthorised Encampments occur, which are generally unsuitable for The Gypsy Roma and Traveller community, as they do not contain the appropriate facilities, e.g. water, waste disposal facilities, pitch security and general safety measures. The lack of facilities can lead to unsanitary and dangerous conditions. Unauthorised Encampments can cause concern for nearby communities, businesses in the vicinity and the statutory agencies that have to respond to concerns (especially Plymouth City Council and the Police).

This policy provides details on how Plymouth City Council deal with Unauthorised Encampments for Gypsy Roma and Traveller's visiting our city with the aim of reducing the impact on the city, and the Travelling community.

4.0 STATUTORY DUTIES OF THE COUNCIL

Local authorities have a duty, under the Equality Act 2010, to promote good race relations, equality of opportunity and community cohesion in all of their policies and practices. This duty covers all racial groups, including Gypsies Roma and Travellers who are covered by the protected characteristics.

5.0 LEGAL POWERS TO REMOVE OCCUPANTS FROM UNAUTHORISED LAND

Government policy requires that a court hearing is almost invariably required before evicting Unauthorised Encampments. This means that a timescale between 14 days and 6 weeks (from arrival to eviction) is likely, depending upon the route chosen.

There are a number of powers available to the Council to deal with Unauthorised Encampments on Council land, which may lead to eviction following a welfare assessment carried out by Community Connections including:

Local Authority Powers

Part 55 Civil Procedures Rules

- May only be used by landowners to regain possession of the land
- Requires civil court proceedings to obtain a possession order
- Enforced via an eviction; overseen by either by county court bailiffs or high court enforcement agents

Section 77 Criminal Justice & Public Order Act 1994 – Direction to Leave Land

- Can only be used by local authority
- The Local Authority issue a ‘Direction to Leave Land’
- Can be used on any land forming part of the highway, any other unoccupied land, or any occupied land without the consent of the occupier
- A person who fails to leave land a) fails to leave land and/or remove their vehicles; or b) re-enters the land within 3 months of the date of the Direction commits a criminal offence (s77(3))

Section 78 Criminal Justice & Public Order Act 1994 – Summons for Contravention of s77 and/or Application for an Order for Removal of Persons and Their Vehicles Unlawfully on Land

- Can only be used by local authority, who apply to the Magistrates court for a summons for breach of s77/and Order under s78
- Can be used on any land forming part of the highway, any other unoccupied land, or any occupied land without the consent of the occupier
- The Court can make an Order authorising a Local Authority to enter land (on >24hours notice) and ‘take such steps for securing entry and rendering it suitable for removal’ as they specify (s78(2))
- A person who ‘wilfully obstructs’ re-entry by the Local Authority commits a criminal offence (s78(4))

Plymouth City Council’s policy is that the most appropriate legal route will be used depending upon the specific circumstances of the case. This may entail applying for a possession order under Part 55 of the Civil Procedure Rules, a Direction or Application under s77/s78 Criminal Justice and Public Order Act 1994 or any other lawful alternative route.

Police Powers

The police also have powers to deal with Unauthorised Encampments:

Section 61 Criminal Justice & Public Order Act 1994. Police ‘Direction to Leave Land’ Can only be used by police if any of three conditions are met:

- If any persons have caused damage to the land or property on the land;
- Use threatening, abusive or insulting words or behaviour, or
- There are 6 or more vehicles on the land

Can be used on any land (although the position in respect of highways is complicated and requires legal advice before proceeding), to remove occupants & vehicles

- Does not require involvement of the courts, and is enforced by the police
- A person who does not leave promptly, or who re-enters the land as a trespasser within 3 months of the date of the Direction commits a criminal offence (s61(4))

Section 62A Criminal Justice & Public Order Act 1994. Police 'Direction to Leave Land where an Alternative Site is Available'

- Can only be used where an alternative 'relevant caravan site' is available (see below)
- Can only be used by the police, on any land, to remove occupants and vehicles
- Does not require involvement of the courts, and is enforced by the police.
- A person who does not leave promptly, or who re-enters ANY land in the Local Authority's area as a trespasser within 3 months of the date of the Direction with the intention of residing there commits a criminal offence (s62B))

For the purposes of section 62A 'relevant caravan site' means a caravan site which is:

- (a) situated in the area of a local authority within whose area the land is situated, and
- (b) managed by a relevant site manager (Community Connections).

6.0 OUR ROLES & RESPONSIBILITIES

Different departments and agencies involved with Unauthorised Encampments have different roles and responsibilities in dealing with encampments. It is important that roles are clearly defined to minimise duplication and ensure that both the travellers and the local settled community know who to contact for specific issues.

Community Connections provides a strategic role in respect of Gypsies Roma and Travellers managing permanent residential sites and ensuring the implementation of this policy.

A process map on the roles and responsibilities of Plymouth City Council departments and our partners can be found on the website

7.0 OUR APPROACH

Where the Council receives a report of an unauthorised encampment via plymouth.gov.uk, this is passed on to the Council's Community Connections Team, who will seek confirmation that the occupied land is owned by Plymouth City Council.

Community Connections will conduct a community impact assessment and will act to remove an unauthorised encampment from an unsuitable site as quickly as is practicably and reasonably possible in accordance with relevant legislation, and assessment of the site. The site will be assessed for its

suitability as a negotiated stopping place via a community impact assessment which is maintained in line with current best practice

Where the land is not owned by the Council, the relevant land owner (where known) will be notified.

Portfolio Holder, The Police, local Ward Members and local residents shall be notified of all encampments on Plymouth City Council owned land.

Where it is confirmed that the unauthorised encampment is located on Council Land, the officers from Community Connections shall visit the encampment as soon as is practicably possible (generally that same day) and complete site inspection, welfare check forms and community impact assessment.

Welfare checks will be conducted upon arrival to any site, and officers will identify any relevant welfare needs of the site occupiers. This welfare assessment has particular regard to the welfare needs of children, the elderly or other people who may be vulnerable. Where support or welfare needs are identified the Council will try to assist or refer the matter to the relevant agency. Where significant needs are identified the case will be assessed on its own merits.

Upon visiting the Community Connections Officers will explain to the occupants that they are trespassing on Plymouth City Council owned land and if it is deemed that land is not suitable as a negotiable stopping place then the Local Authority will use legal powers to move the group from the site as fast as possible.

7.1 Negotiated Stopping Place

In considering whether to negotiate with Gypsy Roma and Travellers forming an encampment, the first consideration must be the location and the immediate impact on the settled community.

Where the location of an unauthorised encampment has previously been identified as a low impact place and the circumstances of the trespassers themselves require a degree of flexibility, then at the discretion of Plymouth City Council a negotiated period of up to a maximum of 28 days may be given to use the site as a negotiated stopping place. A negotiated stopping place should not be re-occupied by the same Gypsies Roma and Travellers within six months, and preferably should not be used by any other Gypsies Roma and Travellers for at least 28 days, post vacation of the site. In essence this means that the Council will treat the individuals as 'tolerated trespassers' for this period. If they have not vacated at the end of this period then legal action to gain possession will commence.

The occupiers will be asked to sign and abide by a code of conduct should this be breached, legal action will be taken to gain possession of the land.

Health and welfare needs might lead to consideration of an extension of time at a negotiated stopping place these may include: accessing urgent medical attention; i.e. a surgical procedure or other acute medical (but not chronic need); or a complication in pregnancy or post-natal care. If there is a negotiation to allow an encampment, consideration will be given as to whether it is appropriate to make provision for a water supply, toilet provision or rubbish clearance.

7.2 Non-negotiable locations

There are locations where an encampment will not be acceptable under any circumstances.

Set out below is a list of the types of site where Unauthorised Encampments will not be acceptable, and Gypsy, Roma and Travellers will be moved on using either Plymouth City Council's or police powers:

- A Site of Special Scientific Interest (SSSI) where an encampment endangers a sensitive environment or wildlife
- School car park or playing fields (especially in term time)
- Other designated car parks, such as hospital, supermarket or leisure facility car parks
- Recreation grounds and public playing fields or parks.
- A site where pollution from vehicles or dumping could result in pollution or other hazard.
- A derelict area with toxic waste or other serious ground pollution
- A 'village green' or other open area within a residential area
- The verge of a busy road where fast traffic is a danger to unauthorised encampment residents or their children.
- Sites that cannot be accessed easily by emergency and delivery vehicles.
- HMPE where there are parking controls or restrictions.
- Any site that restricts the access of emergency or council vehicles.
- Where a public right of way is blocked.

7.3 Action when a group of Gypsies Roma or Travellers have moved on any site.

The encamped group will be required to clear up any site before leaving. Where a site requires a clean-up this shall be undertaken by the Council, Street Scene and Waste team in collaboration with Public Protection to secure any evidence required for prosecution.

The Council reserves the right to recharge for any costs associated with site clearance. In addition the Council will take any necessary action to secure locations which are subject to serial encampments, through means of preventative action.

7.5 Other Unauthorised Encampments

Other Unauthorised Encampments where occupants are not part of the traditional travelling community will usually be dealt either using one of the routes detailed in section 5.0 or immediately via court proceedings at Plymouth City Council's discretion.

8.0 WORKING WITH THE POLICE

Devon & Cornwall Police work closely with Plymouth City Council in respect of all aspects of the Gypsy, Roma and Traveller community. They assist and support the managing of unauthorised encampments when required and work to an approved code of practice in this regard. The Police must take account of the issues of behaviour (whether criminal, antisocial behaviour, or nuisance by both the travelling community and the settled community) in combination with the impact on the landowner, rather than simply following a set process because encampments are present at a specific location.

9.0 COMPLAINTS & COMMENTS ABOUT THIS POLICY

Comments, complaints or suggestions about this policy or any aspect of our work are welcomed. The Council's standard comments, complaints and appeals procedure will be followed. If you would like a copy of this, please contact us on Tel 01752 668000 or go to the website www.plymouth.gov.uk.

If a complaint is about a Freedom of Information request, you can complain to the Council. If you remain dissatisfied with the handling of your request or complaint, you have a right to appeal to the Information Commissioner at: Information Commissioner's Office, [Home | ICO](http://www.ico.org.uk)

10.0 ACCESS TO INFORMATION & DATA PROTECTION

The information collected via the Welfare Check form will be used to make appropriate referral and signposting to welfare and support services, where requested by the individual on an 'opt-in' basis. The information may be passed on to the Department of Work and Pensions and Inland Revenue as permitted by law.

The Council may also check the information provided by the customer or information provided third parties, with other information held by the Council. Third parties may include Social Care, Police, Schools and Trading Standards. E.g. Car registration details.

The Council may also obtain information from certain third parties, or give information to them to check the accuracy of the information, to prevent or detect crime, or to protect public funds in other ways, as permitted by law. These third parties include Government Departments and other Local Authorities.

Personal information will not be disclosed about customers to anyone outside Plymouth City Council nor will we use information about you for other purposes unless the law permits this.

Information may be used for statistical purposes. Such information will be displayed so that it cannot be attributed to any person.

Plymouth City Council is the data controller for the purposes of the Data Protection Act 1998 and forthcoming General Data Protection Regulation 2018.

11.0 REVIEW AND REVISION OF THIS POLICY

This policy will be reviewed and revised when required. Procedural documents mentioned in this policy will be regularly updated in accordance with current best practice and be maintained on the Plymouth City Council website.

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EQUALITY IMPACT ASSESSMENT

Community Connections



STAGE I: WHAT IS BEING ASSESSED AND BY WHOM?

What is being assessed - including a brief description of aims and objectives?

Gypsy Roma and Traveller Policy – Unauthorised Encampments -2021 review

Plymouth City Council is responsible for dealing with unauthorised Gypsy Roma and Traveller (GRT) encampments on land owned by the Council.

The travelling community can experience difficulties finding an authorised place to stop, and may set up an encampment on someone's land without consent, including green space, highway verges and lay-bys. This is a breach of civil law and, in certain circumstances, may be a breach of criminal law.

Plymouth City Council's approach is based on the need to uphold the law and prevent unlawful occupation of land, whilst meeting the needs of communities.

The aim of this policy is to address the need for an effective approach to the management of unauthorised Gypsy Roma and Traveller encampments on Plymouth City Council land, whilst ensuring that the rights of Plymouth's local settled community and the Gypsy Roma and Traveller communities are balanced. This includes provision of negotiated stopping spaces and the implementation of measures to prevent access for some sites across Plymouth that are used frequently.

In addition to this it aims to clarify the internal working arrangements around unauthorised encampments across Plymouth City Council departments and services so that any future unauthorised encampments can be managed successfully, swiftly and without detriment to any community.

	<p>This policy is also reliant on a collaborative approach with our partners, namely Devon & Cornwall Police, Health and Social Care and Charitable organisations as well as Ward Members and their constituents, on how we will manage an unauthorised encampment on Plymouth City Council land.</p> <p>The overarching aim of the policy is to achieve, where possible, a locally agreed end to unauthorised encampments and to avoid the formal eviction process. However this policy sets out the formal process for eviction, and when this will be used.</p>
Author	Jessica Dann
Department and service	Community Connections
Date of assessment	17 th December 2020

STAGE 2: EVIDENCE AND IMPACT

Protected characteristics (Equality Act)	Evidence and information (eg data and feedback)	Any adverse impact See guidance on how to make judgement	Actions	Timescale and who is responsible
Age	<p>Community Data:</p> <p>Pupils in Plymouth Schools (2021)</p> <p>Gypsy/Roma – 5</p> <p>Occupational traveller – 6</p> <p>Traveller (other) - 14</p> <p>GRT's often experience difficulty in accessing and staying in education making levels of literacy in the community low. GRT children have the poorest educational attainment of any ethnic group in this country. This is likely to be a causal factor in poor health and employment</p>	<p>None – providing the policy may assist all residents to engage with healthcare services which is especially important for older people, those requiring hospital treatment and pregnant women. Undertaking welfare checks with all UEs ensures that the appropriate provision is accessed where possible and when requested. Community Connections Officers often refer members of the community to supporting agencies.</p> <p>The safety of children on site will be improved as by locating away from the roadside they will be less vulnerable to road traffic</p>	<p>None – Safety of children will be considered on a negotiated stopping place as part of the code of conduct guidance and some places will be non-negotiable.</p> <p>In addition a Community Impact Assessment will consider the safety of all occupants on any site.</p>	N/A

	<p>outcomes. Ofsted have identified them as an ‘at risk group in education’.</p> <p>Older GRT’s are vulnerable due to a lack of continuity of health care services related to their transient accommodation. They are often forced to choose between living within their extended family network or ‘retiring’ from an active travelling lifestyle and moving into ‘bricks and mortar’, which may leave them isolated. They are the least likely racial group to be in receipt of home based social care or residential care.</p> <p>Life expectancy is significantly lower for GRT’s than the mainstream population. Infant mortality rates are three times higher.</p>	<p>accidents, and will not have to move from site to site as frequently.</p>		
<p>Disability</p>	<p>Community Data: (taken from Plymouth Report 2017)</p> <p>According to the 2011 Census, 10.0 per cent of Plymouth residents reported having a long-term health problem or disability that limits their day-to-day activities a lot and has lasted, or is expected to last, at least 12 months. The England value was 8.3 per cent.</p>	<p>None –Access to sites will be considered as part of the community impact assessment. Needs of those within the encampment will be considered as part of welfare checking.</p> <p>Officers can refer and support GRT community at UEs to local GP and health services</p>	<p>Ensure disabled access is considered when assessing site suitability and welfare checks.</p>	<p>Policy Implementation.</p>

	<p>The 2011 Census also reported fewer Plymouth residents thought their health was 'good' or 'very good', compared to England.</p> <p>Overall prevalence of learning disabilities in Plymouth was 0.51 per cent in 2014/15 a value higher than England (0.44 per cent). Data from the same source indicates that in 2014 Plymouth had rates of children with autism known to schools of 17.8 per 1,000 pupils compared to 10.8 per 1,000 in England; rates of children with learning disabilities known to schools of 25.3 per 1,000 pupils compared 33.7 per 1,000 in England; and rates of adults (18 to 64 years) with learning disabilities receiving long-term support from Plymouth City Council of 5.3 per 1,000 population compared with 3.7 per 1,000 in England.</p> <p>It is estimated that approximately 1 in 88 people in England will have a type of autism diagnosis. An estimated 1,700 people in Plymouth aged 18-64 are likely to have an autistic spectrum disorder.</p> <p>1,845 adults registered with a GP have some form of learning disability (as recorded on</p>			
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	<p>practice disease registers), 2017/18.</p> <p>Over 13,000 people in our City are currently dependent on ESA.</p> <p>Local Data:</p> <p>There is a lack of local specific data in relation to GRTs across most of the protected characteristics.</p> <p>National Information:</p> <p>It is difficult to access the needs of GRT's with disabilities due in part to a lack of access to regular medical care or benefits.</p> <p>According to De Montfort University research 2019</p> <p>The health outcomes for Gypsies and Travellers are stark. Looking at Census (2011) data analysis, the percentage of Travellers reporting poor health is twice as high as the wider population⁹. There have been many studies on health and education outcomes and in early 2019 the Women and Equalities Select Committee published their inquiry report¹⁰. It is clear that without a place to stay, from which to access medicine, schooling, work – then health</p>		
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	<p>and wellbeing outcomes are diminished.</p> <p>Both mobile and settled GRT's report difficulties in registering with a doctor. Doctors can be reluctant to register GRT's families with no address. Lack of access to diagnosis and treatment and support is likely to impact on life expectancy.</p> <p>GRT's often suffer from depression and other mental health problems, caused by the stress of eviction, or as a result of moving from caravan to settled housing, with the associated isolation.</p>			
<p>Faith/religion or belief</p>	<p>Community Data:</p> <p>Christian < 177,000</p> <p>Islam 4,500</p> <p>Hindu 300-400</p> <p>Buddhist 470</p> <p>Jewish <181</p> <p>No faith/not given – 30% of our local population</p> <p>City Survey 2018 People from other religious backgrounds are less likely to be satisfied with Plymouth as a place to live (66%) than Christians (77%) or people with no religion (74%). People from other religions were less likely to agree they belonged to their local area</p>	<p>None</p>	<p>None – This policy should maintain equality and access to services across all types</p>	<p>N/A</p>

	<p>(41%) than Christians (65%) or those of no religion (50%). Christians slightly more likely to be involved with community groups / activities (22%) than those of no religion (16%) and other religions (16%). Summer 2008 edition of the Traveller Times contained an article quoting Morris and Clements (September 2002) suggesting that of 200,000-300,000 Gypsies and Travellers nationally, some 50,000 are Born Again Christians. Irish Traveller families are predominantly of Roman catholic faith.</p>			
<p>Gender - including marriage, pregnancy and maternity</p>	<p>Community Data:</p> <ul style="list-style-type: none"> • Overall, 50.7% women (reflects national figure) • 25-29's: 54.8% men (50.8% nationally) • Married: 77,154 (39%) • Remarried: 16,572 (8.5%) • Separated but still legally married 5,382 (2.8%) <p>Plymouth has a relatively high prevalence of domestic abuse and the number of reported incidents increased by 21% in the year to September 2018. Domestic abuse accounts for</p>	<p>None</p>	<p>None – This policy should maintain equality and access to services across all types.</p>	<p>N/A</p>

	<p>approximately 35 per cent of all violent crime in the city</p> <p>Responses to the Plymouth City Survey 2018 showed that the proportion of males who felt safe after dark (64 per cent) was significantly higher than females (58 per cent). The proportion of females agreeing they are involved in community activities/groups in their local area was significantly higher than males (22 per cent compared with 16 per cent). There was no difference between genders when asked whether their local area is a place where people from different backgrounds get on well together (males 39 per cent and females 40 per cent).</p> <p>Equality and Human Rights Commission (Gypsy and Traveller: Simple solutions for living together – Report 2010):</p> <ul style="list-style-type: none"> • The GRTs birth rate is high and prenatal mortality; still births and infant mortality are significantly higher than the national average. • It is estimated that, on average, GRT women live 12 years less than women in the general population and GRT 			
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	<p>men ten years less than men in the general population (Crawley, 2003).</p> <p>Gypsy and Traveller mothers are 20 times more likely than the rest of the population to have experienced the death of a child.</p>			
Gender reassignment	<p>Community Data:</p> <p>10,000 trans-sexual nationally (6,000 undergone reassignment)</p> <p>Referrals to Newton Abbott Clinic 62 in 2008</p> <p>23 trans members of Plymouth Pride Forum (2014)</p>	<p>None – Welfare checks would take into account whether a GRT undertaking or considering gender reassignment may have planned health support interrupted by moving around or evictions from unauthorised encampments.</p>	<p>None – This policy should maintain equality and access to services across all types.</p>	N/A
Race	<p>Community Data:</p> <ul style="list-style-type: none"> The GRTs at the Bay View site, the Ride (Plymstock) 13 families (21 adults, 22 children) are all from the GRT community Show People at Efford Fort: 26 adults, 4 young children GRT's in the wider community, 153 recorded their ethnicity as White; Gypsy or Irish Traveller in the 2011 Census. 	<p>None – Community Connections Officers will undertake Welfare Checks and a Community Impact Assessment to consider whether a site would be appropriate for Negotiated Stopping up to a maximum of 28 days. This is an opportunity to consider the best needs of the GRT community and foster more positive race relations.</p>	<p>None Consider suitability of site for Negotiated Stopping</p>	N/A

	<p>Pupils in Plymouth Schools (2012):</p> <ul style="list-style-type: none"> • 19 Romany pupils • 6 White Irish Traveller • Evidence suggests that GRT might be unlawfully discriminated against when applying for jobs and so conceal their ethnicity when applying for work. Many GRTs are self-employed, but they receive little financial help or advice on starting up a mobile business. • There is little available evidence about benefits take up amongst GRT communities and locally it is known that this is not a service they tend to access. <p>Equality and Human Rights Commission (Common Ground: Equality, good race relations and sites for Gypsies and Irish Travellers – 2006)</p> <ul style="list-style-type: none"> • Widespread racism against GRTs prevalent. • Lack of GRT temporary stopping place is a significant issue 		
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	<p>affecting this 'racial or ethnic' group.</p> <ul style="list-style-type: none"> The lack of accommodation for GRT residential use effectively leads to widespread exclusion from public services. 			
Sexual orientation - including civil partnership	<p>Community Data:</p> <ul style="list-style-type: none"> National estimates are that between 5-7% of the population are Lesbian, Gay or Bisexual. There is no published data about the sexual orientation make-up of the GRT communities either nationally or locally. 	None – sexual orientation concerns are not relevant to this specific proposal	None	N/A

STAGE 3: ARE THERE ANY IMPLICATIONS FOR THE FOLLOWING? IF SO, PLEASE RECORD ACTIONS TO BE TAKEN

Local priorities	Implications	Timescale and who is responsible
Pay equality for women, and staff with disabilities	<p>GRT's are one of the most deprived groups in Britain.</p> <p>Providing this policy will:</p> <ul style="list-style-type: none"> assist with the seasonal economic travelling patterns of GRT's. enable access to routine healthcare (e.g. post and ante natal care to address the high rates of perinatal and infant mortality and significantly shorter lifespans). This will have a positive impact on service delivery as it should lead to less use of emergency services. enable access to educational provision 	

	<p>GRTs will also be able to access other routine services that improve quality of life outcomes (e.g. refuse collection and police support regarding racist incidents).</p> <p>Provision of this policy may provide opportunity for members of the Gypsy Roma and Traveller community to seek work in the local area.</p>	
<p>Supporting victims of hate crime so they feel confident to report incidents, and working with, and through our partner organisations to achieve positive outcomes.</p>	<p>Provision of this policy may result in a reduction of tensions between the settled community and the Gypsy Roma and Traveller community, by managing with Unauthorised Encampments in the in an effective manner.</p>	
<p>Plymouth is a city where people from different backgrounds get along well.</p>	<p>Effective management of Unauthorised encampments is essential in building positive community relations.</p>	
<p>Human rights Please refer to guidance</p>	<p>GRTs have enjoyed the same rights of protection as everyone else under the terms of the Human Rights Act 1998 including adequate accommodation. The Equality Act 2010 places a duty on us to:</p> <ul style="list-style-type: none"> • Eliminate unlawful discrimination, harassment, victimisation • Advance equality of opportunity between those with a protected characteristic and others • Foster good relations between these groups. <p>Improved site provision will evidence that we are committed to improving the quality of life for all in our city.</p>	

STAGE 4: PUBLICATION

Matt Garrett

Date 06/01/2021

Service Director