

**SURREY COUNTY COUNCIL****CABINET****DATE:** 01 JUNE 2021**REPORT OF CABINET MEMBER:** MR TIM OLIVER, LEADER OF THE COUNCIL**LEAD OFFICER:** LEIGH WHITEHOUSE, EXECUTIVE DIRECTOR – RESOURCES**SUBJECT:** PENDELL GYPSY ROMA TRAVELLER (GRT) CAMP, MERSTHAM**ORGANISATION STRATEGY PRIORITY AREA:** TACKLING HEALTH INEQUALITY/ENABLING A GREENER FUTURE/ EMPOWERING COMMUNITIES**Purpose of the Report:**

This report is asking Cabinet to approve capital programme funding for the development of ten transit pitches for the Gypsy Roma Traveller (GRT) community at the south site of Pendell GRT Camp, Merstham.

There is an urgent need to increase the provision of transit GRT facilities, particularly in the east of the county, to meet seasonal demand, enable Surrey Police to manage unlawful encampments, address accommodation standards currently provided for the GRT community and reduce Surrey County Council's repeated annual expenditure on resources associated with unlawful encampments.

The proposed scheme will be delivered in conjunction with District and Borough Councils; it aligns with Surrey County Council's vision to create strong partnerships across all sectors, and provides a provision that addresses inequality and creates community cohesion within the GRT community along with local residents and businesses.

**Recommendations:**

It is recommended that Cabinet:

1. Approves £1.2m of the £3.8m capital funding identified within the Capital Programme Medium Term Financial Strategy (MTFS) Pipeline allocation for GRT Transit Site/Pendell Camp for consultant design, planning fees and preparatory works to deliver the proposed transit pitches. The remaining £2.6m allowance will remain in the MTFS pipeline for further GRT Transit Site projects/works subject to future Cabinet approvals.
2. Approves procurement of appropriate supply chain partners for the delivery of all associated services required, in accordance with the Council's Procurement and Contract Standing Orders.
3. Agrees that, regarding the procurement of supply chain partners, within the +/-5% budgetary tolerance level, the Executive Director of Resources and the Director of Land and Property are authorised to award such contracts.

## Reason for Recommendations:

The decisions recommended in this report will contribute to enabling the Council to:

- i. Provide much-needed, suitable accommodation for transit GRT communities in Surrey.
- ii. Reduce repeated annual expenditure on resources associated with unauthorised seasonal transit encampments.
- iii. Make an essential contribution towards the Council's strategic objective to tackle health inequality, in line with the 2030 Community Vision to ensure no-one is left behind.
- iv. Support the partnership between the Council and District and Borough Councils to improve and provide accommodation and facilities for the transit GRT community.

## Executive Summary:

### Background

1. The Gypsy, Roma and Irish Traveller culture and traditions have developed through a nomadic way of life over centuries. Gypsy, Roma and Irish Travellers are recognised as ethnic groups under the Race Relations Act 1976 and are protected by the Equality Act 2010.
2. Historically there has been a lack of data in relation to GRT communities. The Census data in 2011 enabled data to be collected on Gypsy, Roma and Irish Travellers for the first time and 63,000 people in the UK identified as members of these groups, although this is widely accepted to be an underestimate and a figure of around 300,000 is often used.
3. In 1994 the Criminal Justice and Public Order Act 1994 abolished statutory obligations on local authorities to provide accommodation and discontinued Government grants for sites. As a result, nationally, the provision of sites and places to "stop on" for the GRT communities has not kept pace with demand, leading to increasing homelessness and forcing families into permanent "bricks and mortar" accommodation.
4. Numerous national reports carried out over the last two decades have highlighted the inequalities faced by GRT communities. These include education attainment, attendance and exclusion, employment, health, criminal justice including over-representation in both the youth justice system and prison estate, hate crime/incidents, domestic abuse, bullying and a lack of suitable stable and safe accommodation.
5. In 2015 the Equalities and Human Rights Commission concluded that the life chances of Gypsies, Roma and Irish Travellers have declined since 2010 and the complex contributory factors may include deprivation, social exclusion and discrimination.
6. The statutory responsibility under Section 8 of the Housing Act 1985 for meeting the housing needs of those within the District/Boroughs boundaries rests with the District and Borough Councils as the Housing Authority and not Surrey County Council.

7. Surrey County Council is the freeholder of 15 GRT sites across the county. Site management has deferred to the Council following a series of District and Borough lease expiries. As the landowner and for a consistent approach, the Council has also taken responsibility for repairs, maintenance and improvement of the local authority provision. The Council and District and Boroughs will be undertaking a comprehensive review of the current approach, including funding, to develop a common, robust strategy for the future provision of GRT facilities in Surrey.

## **Business Case**

8. This proposal addresses an urgent need to increase transit facilities, particularly in the east of the county, to improve the accommodation provision for the GRT community, meet seasonal demand, and ease the ongoing financial burden on Surrey County Council and its resources to manage unauthorised encampments and associated environmental damage caused by large-scale or criminal fly-tipping.
9. The Council's Land and Property officers carried out a Sift Review on land across Surrey and concluded that Pendell Camp, Merstham is the optimum location for additional transit facilities; it's an existing GRT site, is in East Surrey and has the space to accommodate ten new transit pitches.
10. Pendell Camp has four permanent pitches at the north of the site which are understood to have been occupied since the late 1970s. A feasibility study of the camp concluded that ten transit pitches can be developed at the south of the site.
11. The Pendell Camp transit site scheme is being developed in partnership with District and Borough Councils. To assist District and Borough Councils meet their statutory obligations, Surrey County Council has agreed to fund the design, remediation works and site infrastructure to deliver the ten transit pitches; the District and Borough Councils (except Tandridge District Council, as the host authority) have committed funding to the construction costs.
12. An Agreement in Principle is in place with District and Borough Councils, and it is expected that they will enter into a formal Project Agreement with Surrey County Council by the end of September 2021. The completion of the Pendell Camp scheme is dependent on District and Borough Councils committing to providing capital funds required for construction.
13. The District and Borough Councils are aware of the timescales and funds required for the scheme to be completed. Surrey County Council is currently working with the District and Borough Councils to draft and define the Project Agreement for formal agreement by the end of September 2021.
14. The provision of transit sites will greatly assist the work of the Council's staff and collaborative partners as well as Surrey residents and visitors in the respect of unauthorised encroachments on both public and private land.

## **Options considered**

15. Three options have been considered to provide facilities in East Surrey for the transit GRT community:

- A. Do nothing
- B. Develop the north site of Pendell GRT Camp to deliver ten transit pitches
- C. Develop the south site of Pendell GRT Camp to deliver ten transit pitches

16. The recommended option is Option C to fulfil community needs, satisfy the statutory duty under Section 8 of the Housing Act 1985 and reduce the Council's maintenance liabilities and costs.

17. Please see Annex 1 for the full descriptions, pros and cons for each option.

### **Scope of works**

18. The scope of works is as follows:

- a. Planning applications and submissions
- b. Site clearance as necessary
- c. Land remediation as required
- d. Drainage works
- e. Installation of boundary treatments and CCTV to segregate the permanent and transit pitches
- f. Installation of utilities
- g. Construction of ten new transit pitches
- h. Construction of five ancillary amenity blocks
- i. Construction of a Manager's Block
- j. Construction of a refuse store

19. All necessary pre-application engagement, stakeholder group and member consultation will be carried out ahead of planning submission.

<b>Consultation:</b>
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20. The consultation for this proposal builds on the previous discussions around the need to identify suitable sites for transit seasonal encampments.

21. Relevant teams within Surrey County Council, namely Environment, Transportation and Infrastructure (ETI) and Land and Property (L&P), have been consulted and had input into the proposal.

22. Initial planning engagement has taken place with Tandridge District Council and Surrey County Council.

23. District and Borough Councils are consulted and updated on a monthly basis.

24. The residents of the four permanent pitches on the site will be advised of the scheme as part of the planning consultation process.

25. The initial proposals have been shared with Cllr Tim Oliver, Leader of Surrey County Council, Bob Gardner (former councillor for Merstham & Banstead South) and Katie Stewart, Executive Director for ETI.

## Risk Management and Implications:

26. The table below summarises the key project risks at this stage.

	<b>Risk description</b>	<b>Mitigation action/strategy</b>
i.	Site constraints – ecology, levels, flood risk and land remediation restrict scheme proposals and / or impact costs.	<ul style="list-style-type: none"> <li>Initial surveys undertaken to establish ecology impacts. Further site surveys / investigations ongoing. Industry level risk allowances included in cost forecast.</li> <li>Project Management and Cost Consultant appointed to manage overall development.</li> </ul>
ii.	Protected Species (bats, badgers and slow worms) identified on site. Design, programme and cost impact.	<ul style="list-style-type: none"> <li>Ecology reports and sensitives analysis being undertaken to identify next steps.</li> <li>However, no indications thus far raise concern other than a small proportion of Japanese knotweed. The knotweed costs are included within the remediation costs.</li> </ul>
iii.	Failure to obtain Planning Approval – impacts of site designations (Reg 3, Greenbelt, Area of outstanding natural beauty) on design.	<ul style="list-style-type: none"> <li>Planning, Heritage and Landscape consultants form part of the professional design team appointments which form part of the current Consultant Appointment, to undertake the necessary assessments and inform the overall design which is sympathetic and mitigates any potential harm to the locality.</li> <li>Early discussions and involvement of Surrey County Council Reg3 and Tandridge District Council Planning officers commenced Nov-Dec 2020.</li> <li>Service-led statements of need being developed for site.</li> <li>Consultant appointed to manage stakeholder and community planning engagement process in line with Surrey County Council communications.</li> </ul>
iv.	Procurement	<ul style="list-style-type: none"> <li>Via established frameworks, using robust Invitation to Tender (ITT) assessment and evaluation criteria to secure appropriately skilled consultants/contractors with relevant experience.</li> <li>This will be procured within our current Contractor ITT Procurement process.</li> </ul>
v.	Programme	<ul style="list-style-type: none"> <li>Timely management of deliverables and client approvals to maintain critical path.</li> <li>Project Management and Cost Consultant appointed to manage overall development and site coordination.</li> </ul>
vi.	Reputational – communications and approvals	<ul style="list-style-type: none"> <li>Clear and precise project plan include key dates and deliverables communicated regularly with partners, members, service and local residents.</li> <li>Surrey County Council Communications specialist is developing a communication strategy in partnership with Surrey Police Force, GRT Estates Team and Tandridge District Council.</li> </ul>
vii.	Change in laws/governance e.g. health and safety, Brexit, elections	<ul style="list-style-type: none"> <li>Project team and stakeholders to keep up to date on all legal matters and forward plan.</li> </ul>

	<b>Risk description</b>	<b>Mitigation action/strategy</b>
viii.	District and Borough Councils do not commit to the Capital funding required to complete the scheme	<ul style="list-style-type: none"> <li>• Ongoing communications and regular contact with the District and Borough Councils to ensure all commit to the Project Agreement and financial deliverables are met.</li> <li>• Development of partnership between Surrey County Council and District and Borough Councils to deliver and complete the scheme.</li> </ul>

**Financial and Value for Money Implications:**

27. The cost of the proposed works is estimated at £2.6m, which is financed jointly by Surrey County Council and the District and Borough Councils. Surrey County Council's contribution of £1.2m will be transferred from existing Capital Pipeline funding included in the MTFS, subject to confirmation from the District and Borough Councils and other third-party funding contributions to the remaining £1.4m. Further details are in the Part 2 paper as part of the stage 2 Cabinet approval.
28. As a direct result of creating transit site facilities, Surrey Police will be able to use Section 62a of the Criminal Justice and Public Order Act 1994 to direct Unauthorised Encampments (UEs) and to prohibit offenders from returning to a UE anywhere within the borough for a period of three months. As a result, the Council anticipates a reduction in the current expenditure incurred on unauthorised GRT encampments and fly-tipping costs by an estimated £30k for every incidence.
29. It is therefore anticipated that this investment will not only reduce disruption and improve outcomes but will reduce ongoing expenditure sufficiently to cover the revenue costs of borrowing the £1.2m investment required (£51k per annum). These costs will be covered if the efficiencies outlined above are achieved on two unauthorised encampments. Any efficiencies achieved over and above these costs will contribute to efficiency targets already built into the MTFS.
30. The running costs of the site will be mitigated by rental income raised from those using the site, in line with how existing GRT sites are operating. There is a commitment from District and Borough Councils to contribute £7.5k per annum towards any additional running costs in excess of what can be recovered. The requirement and value of these contributions will be assessed annually to ensure it remains appropriate and necessary.

**Section 151 Officer Commentary:**

31. Although significant progress has been made over the last twelve months to improve the Council's financial position, the medium term financial outlook beyond 2021/22 remains uncertain. The public health crisis has resulted in increased costs which may not be fully funded. With uncertainty about the ongoing impact of this and no clarity on the extent to which both central and local funding sources might be affected in the medium term, our working assumption is that financial resources will continue to be constrained, as they have been for the majority of the past decade. This places an onus on the Council to continue to consider issues of financial sustainability as a priority in order to ensure stable provision of services in the medium term.

32. As such, the Section 151 Officer supports the proposal to develop a transit site in Pendell Camp and the transfer of £1.2m of capital from the existing capital pipeline to the capital programme to fund this, dependent on the confirmed commitment of the District and Borough Councils to provide additional capital for the site's construction costs. The ongoing revenue implications of this investment are expected to be containable within existing revenue budget envelopes due to the anticipated reduction in expenditure on fly-tipping and unauthorised encampments, whilst the ongoing maintenance of the site will be covered by the revenue commitment made by Districts and Boroughs.

#### **Legal Implications – Monitoring Officer:**

33. This paper seeks approval for the contribution of capital programme funding to complete the design, necessary planning approvals and to deliver the site remediation and infrastructure elements to facilitate accommodation to the GRT community which are to the appropriate standards. Cabinet is asked to note and agree the financial details set out in the business case for delivery of the Pendell Camp proposals.
34. At this stage there are no specific legal implications to report on, however, as detailed site information is made available advice can be provided. Surrey County Council has extensive powers under legislation to facilitate the proposals set out in this paper which include but are not limited to the power to dispose of, acquire or develop land. Under Section 2(1) of the Local Authorities (Land) Act 1963, a local authority may for the benefit or improvement of its area, erect, extend, alter or re-erect any building and construct or carry out works on land also.
35. When considering the recommendations in this paper, in particular approval for funding, Cabinet should have regard to its fiduciary duties to local residents in respect of utilising public monies. Accordingly, Cabinet Members will want to satisfy themselves that the proposals represent an appropriate use of the Council's resources in light of the risks set out in this paper. Noting that the business case relates to delivery of the proposals set out in collaboration with District and Borough Councils, adequate safeguards need to be in place to protect Surrey County Council's expenditure such as ensuring that the parties enter into the required form of 'Project Agreement'.

#### **Equalities and Diversity:**

36. Under the Race Relations Act 2000, Surrey County Council must recognise the Gypsy traveller community as an ethnic group that should be treated as equals to the settled population of Surrey.
37. The Equality Act 2010 says you must not be discriminated against because of your race. If you are a Gypsy or Traveller, you may be protected against race discrimination.
38. Romany Gypsies have been travelling around England since the 16<sup>th</sup> century, but over time their traditional "Stopping Places" have been gradually erased. In parallel to the disappearance of land to stop on, the law has become increasingly hostile towards nomadic people over the years. Until 1994, councils had to provide sites and the eviction of unauthorised encampments was restricted. Now, councils still have a legal obligation to assess need and identify potential land for sites, but do not have to provide sites by law.
39. Gypsies and Travellers experience some of the worst outcomes of any group, across a wide range of social indicators. The Equality and Human Rights Commission

(EHRC) has published a number of reports highlighting the multiple inequalities experienced by Gypsies and Travellers. An EHRC review in 2015 concluded that the life chances of Gypsies and Travellers had declined since the Commission's previous review in 2010. The contributory factors are complex and often inter-related, but may include deprivation, social exclusion and discrimination.

40. The GRT community is entitled to the same services as those in the housed community, including the right to occupy premises that are fit for use. This includes accessible accommodation and facilities. By offering a transit site in Surrey, the transit GRT population will have the opportunity to address issues such as access to healthcare and social services. The provision of power and hot water facilities will help to provide essential temporary respite from the rigours of lives spent on the road.

**Other Implications:**

41. The potential implications for the following Council priorities and policy areas have been considered. Where the impact is potentially significant a summary of the issues is set out in detail below.

<b>Area assessed:</b>	<b>Direct Implications:</b>
Corporate Parenting/Looked After Children	No significant implications arising from this report.
Safeguarding responsibilities for vulnerable children and adults	No significant implications arising from this report.
Environmental sustainability	Set out below under Item 36.
Public Health	The proposals seek to provide purpose-built transit pitches with dedicated refuse facilities to reduce the risk and financial burden created by fly-tipping and waste management on Surrey County Council and the Borough Council.

42. An Environmental Sustainability Assessment (ESA) is required, as the subject matter requires a Cabinet decision and the primary subject matter relates to property development proposals (Annex 2). The key points from the ESA are:
- a. The layout of the proposed transit pitches has been factored into the design and ensures these are sited away from the flood zone area.
  - b. Addressing the lack of available transit GRT pitches in the area with purpose-built facilities to reduce this risk and financial burden on Surrey County Council and the District and Borough Councils.

**What Happens Next:**

43. Next steps and timescales:

<b>Item</b>	<b>Timescale</b>
Surveys: Ecology, Drainage, Ground Investigation	Complete by end Jun 2021
Planning: Interim planning meetings and recommendations to draft Certificate of Lawful Existing Use of the Development (CLEUD) and planning submissions	Complete by end Jun 2021



<b>Item</b>	<b>Timescale</b>
CLEUD submission <i>Subject to agreement by Tandridge District Council</i>	Submit May 2021 Anticipate approval Jun 2021
Drainage Remediation Works	Commence May 2021 Complete by end Jun 2021
Project Agreement in place with District and Borough Councils, confirming funds required for construction	Complete by end Sep 2021
Planning submission <i>Subject to approval of CLEUD and determination by Surrey CC</i>	Submit Jun 2021 Complete by end Sep 2021
Reg 3 Application submission	Submit Jun 2021 Complete by end Sep 2021
Technical Design, studies and survey to inform Planning	Complete by end Sep 2021
Building contractor tender to maker and award <i>Subject to delegated decision</i>	Commence Sep 2021 Complete by end Oct 2021
Site works and Practical Completion <i>Subject to planning approval, and remediation works</i>	Commence mid-Nov 2021 Completion end May 2022

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**Report Author:**

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**Consulted:**

Cllr Tim Oliver, Leader of Surrey County Council, Cabinet Member for Property Portfolio

Cllr Edward Hawkins, Deputy Cabinet Member for Property

Bob Gardner, former councillor for Merstham & Banstead South

Tandridge District Council Planners

District and Borough Councils

Surrey Police

Katie Stewart, Executive Director, Environment Transportation and Infrastructure

Patricia Barry, Director, Land and Property

Surrey County Council Planning Department

**Annexes:**

Annex 1: Options considered

Annex 2: Environmental Sustainability Assessment (ESA)

Annex 3: Site map

Part 2 report

**Sources/background papers:**

Initial Recommendations for the creation of a Strategy Document for the Management of Gypsy, Roma and Traveller provision in Surrey, 2022 – 2027.

[Commonslibrary.parliament.uk](https://commonslibrary.parliament.uk)

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