

Section 4

Equality

Analysis Toolkit

LCC Traveller Sites

For Decision Making Items

August 2019

Question 1 - What is the nature of and are the key components of the proposal being presented?

Lancashire County Council Traveller Sites

Lancashire County Council own and contribute to the running of three Traveller Sites, located in Hyndburn, Lancaster and Preston.

Lancashire County Council budget approximately £131,000 per year, this covers running costs and general maintenance which deteriorates, through age, use and vandalism.

Lancashire County Council have no legal responsibility to provide accommodation for Travellers.

In February Full Council decided to begin a consultation exercise with the proposal to declare the three owned traveller sites surplus to LCC needs.

The consultation considered the future of the sites and sought options in respect to achieving savings across the three sites. As continuing to run the sites in the same way would require ongoing revenue and capital expenditure (initial and ongoing), options included the potential to sell the sites. It was also agreed that any potential sale would include restrictions to ensure they remain as Traveller Sites.

Question 2 - Scope of the Proposal

Is the proposal likely to affect people across the county in a similar way or are specific areas likely to be affected – e.g. are a set number of branches/sites to be affected?

This is a decision across the whole of the County, but will have a specific impact on those in Lancaster, Preston and Hyndburn where the sites are located. Any decision will have an impact on those Travellers using the sites, many residents have been there for a number of years. The sites generally don't have a large turnover although the Lancaster site is more transient.

Question 3 – Protected Characteristics Potentially Affected

Could the proposal have a particular impact on any group of individuals sharing protected characteristics under the Equality Act 2010, namely:

- Age
- Disability including Deaf people
- Gender reassignment
- Pregnancy and maternity
- Race/ethnicity/nationality
- Religion or belief
- Sex/gender
- Sexual orientation
- Marriage or Civil Partnership Status

And what information is available about these groups in the County's population or as service users/customers?

The sites are used by Travellers, in some cases for a number of years, and include families over a number of generations. There's no intention to change the use/purpose of the sites.

This will have a direct impact specifically on GRT communities, who are included amongst the race/ethnicity/nationality protected characteristic groups. As any action will affect people from one ethnic group this is the main issue being considered. Those on the site may also have any of the other protected characteristics, it is expected those such as disability, pregnancy and maternity and religion or belief, may potentially be higher in the Traveller sites than in the wider community

Age is also being considered as any young people potentially displaced may be denied education, require changing schools or require transportation. Elderly people with significant health issues live on site and may have links to local health facilities.

If the sites were simply closed, or sold without any form of site protection: the impact could be the movement of Travellers, this may then may have an impact on highway sites or other unused sites

(including LCC unused land) which will have a further impact on residents/communities and land owners. This could also remove children from education. This form of action could lead to a possible impact on community cohesion/fostering good relations as tensions between communities do rise in areas affected by such situations. This would likely lead to complaints from members of the public and potential challenges from the Travellers on site.

(It should be noted that selling the site on specifically to continue being used as a Traveller site, may also have an impact on residents. As there are divisions in the community as a whole, and changes of management could result in the current residents moving on.)

There are 19 Pitches at Lancaster, 14 Pitches at Preston and 15 Pitches at Hyndburn. Although exact figures are not available, a comment about the Preston site suggested about 200 people may be affected by the proposal for that site. County Council information indicates there are 50-60 residents on the Preston site and around 160-190 residents of the three sites combined.

There are also a small number of people employed in jobs at or including each site who would potentially be affected by the outcome of this proposal.

Question 4 – Engagement/Consultation

How have people/groups been involved in or engaged with in developing this proposal?

All decision on the sites require all information available. Consideration of those affected, being paramount. The reasons for potential changes to the site are purely based on reviewing costs to the County Council, in terms running costs, maintenance, surveyor's time and in partnership with local councils.

The Local councils who currently run the day to day management of the sites have been approached and discussions regarding options moving forward have been ongoing.

Following the initial proposal a consultation exercise has taken place. This was undertaken from 7th May 2019 to 3rd July 2019. For this consultation we asked residents, the public and our partners to give their views. Before the consultation began letters were sent to all residents of the three sites telling them about the consultation process. The three sites were also visited twice by County Council staff to tell residents about the formal consultation process (in January 2019 and in April 2019) and dates when council staff would be on site to assist. Council staff delivered the questionnaires (which also included a pre-paid reply envelope) to caravans on site between 7-9 May and explained the ways of taking part in the consultation, how to get additional questionnaires if needed and helped to explain and fill in the questionnaires if needed/asked. Contact details for Advocacy Access were also given as arrangements had been made for this organisation to provide residents with independent support to take part in the consultation if they preferred.

An electronic version of the consultation questionnaire was available at www.lancashire.gov.uk

191 responses were received 156 online and 35 paper questionnaires. 38 responses were identified as site residents' responses and information is included to ensure that these views are clearly reflected in this Analysis. Of the site residents respondents 16 responded about the Altham, Accrington site, 14 responded about Mellishaw Park, Morecambe and 8 said they were responding about Leighton Street in Preston.

The demographics of participants are summarised as: at least 81% were residents of Lancashire (68% of site residents responses) and 20% of all respondents were residents of one of the three Traveller sites being consulted on (100% of site residents respondents).

30% of respondents were male and 57% were female with 3% identifying as "other" and 10% preferred not to say (for site residents

74% were female, 24% male and 3% preferred not to say). The percentage of those identifying as "other" amongst all respondents is higher than for many consultations. Whilst there is a greater balance between male and female participants than for many service consultations amongst respondents generally the site residents profile has a higher level of female participation.

The age profile of respondents was quite balanced with 28% of respondents aged 50-64 (29% of site residents), 25% aged 35-49 (24% of site residents respondents), 17% aged 20-34 (32% of site residents respondents) and 16% aged 65-74 (13% of site residents respondents).

20% of all respondents identified as having a disability or being a Deaf person (40% of site resident respondents) both of which are higher levels than for many service consultations, although the site residents information suggests a disproportionately high percentage of people who consider themselves to have a disability or be a Deaf person. 9% of those who responded had a disabled child or young person in their household, which is higher than for many of the general service consultations (15% of site residents respondents had a disabled child or young person in their household which is a disproportionately high percentage).

2% of respondents had no children in their household but were expecting which is similar to the response for other County Council consultations (no site resident respondents responded to this "no children but expecting" category). Although this reflects some people who have the pregnancy and maternity protected characteristic, others may be included amongst those who already have children of whom 17% had children aged 12-16 (28% site resident respondents) and 5-11 (33% site resident respondents) respectively; 14% had children aged under 5 (36% of site resident respondents) and 10% had children/young people aged 17-19 (17% of site resident respondents) in their household. 42% of all respondents had no children or young people in their household (28% of site resident respondents).

The ethnicity of site resident respondents and all respondents is different from most consultations. 45% of site resident respondents

were Travellers of Irish Heritage (12% of all respondents); 39% of site resident respondents identified as Gypsy Roma (9% of all respondents); 8% of site resident respondents identified as White, English, Welsh, Scottish, Northern Irish, British (57% of all consultation respondents), 3% of site residents identified as Irish (3% of all respondents) and 5% of site resident respondents identified as Any Other Traveller background (1% of all respondents). There were no other responses amongst site resident respondents. Amongst all respondents other ethnicities were: 5% Any Other White background, 1% White and Black Caribbean, 1% White and Asian, 2% Any Other Mixed Ethnic background, 1% Indian, 1% Any Other Ethnic background and 9% Prefer Not To Say.

Respondents were asked which of the three sites they were responding about: 63% were responding about Mellishaw Park in Morecambe; 42% about Leighton Street in Preston and 39% about Altham near Accrington. 23% of respondents indicated that they were responding about all three sites.

The findings presented below are not representative of the views of people who live on the Traveller sites or close to them. Neither are they representative of the views of the population of Lancashire. They should only be taken to reflect the views of people who were made aware of the consultation, and who had the opportunity and felt compelled to respond to it.

The findings of the consultation are as follows:

86% of site resident respondents and 79% of all respondents disagree with the proposal. 5% of respondents tend to agree with the proposal and 10% strongly disagree whilst 6% neither agree nor disagree with it.

Respondents were asked for their views on the proposal. The leading responses were: 71% of respondents said LCC should retain the sites/keep things as they are, 87% of site resident respondents said this; 23% of all respondents said people would lose their homes/families will be split up (61% of site resident respondents said this) and 18% of all respondents said LCC can't guarantee what a

private landlord will do (e.g. raise rents, evict families, redevelop as something else). Amongst site resident respondents there were a number of comments expressing concerns that potential new owners might use "intimidation", "threats", "violence" and "bullying" to force them to move on. Other responses which contribute to the themes of this analysis included 13% who were concerned about the negative impact on Traveller families (including children); 12% who said Travellers are a vulnerable group and should be protected; 4% said LCC has a legal obligation to provide sites for Travellers/Gypsies and 2% said the proposal could increase problems for the local community. Some service users commented that if they were moved on they would have to park at the roadside which could be included within this theme.

Respondents were asked how it would affect them if the proposal happened. The leading responses were: 25% said they could be directly affected – could be homeless, forced to live on the road without access to health, employment or education, families split. 97% of site resident respondents said this. This theme also featured amongst many of the site residents comments who explained they had a number of health conditions and associated appointments, had children in schools, jobs and felt their families would be split up as many of their family lived on the sites. A number had lived on the sites for 30-40 years and had long established connections in the area. Others simply stated: "This is our home". 25% of all respondents said not directly – they believe LCC has a duty to provide safe sites/vulnerable groups/should keep things as they are; 22% said not directly – would have a negative impact on Traveller families (including children and elderly) and local surrounding community. Other responses which are of relevance to this analysis include 8% not directly – concerns it will cause Travellers to resort to use unauthorised sites, subsequent disruption and damage; and 6% said directly – it could cause conflict with authorities and other Travellers.

Respondents were asked if the site they were responding about is sold what does the County Council need to consider. The leading responses of all respondents were: 29% of respondents said guarantees that new owners maintain sites and not increase rents, evict families, redevelop the site as something else; 27% said impact

on Traveller families (including children) – provisions for welfare, education, keeping family groups together; and 23% where will current residents be moved to and implications on their safety and impact on other communities. The leading response from site residents were: 61% said the impact on Traveller families (including children) for the provisions for welfare, education, keeping family groups together would need to be considered; 34% said consideration of where current residents will be moved to and implications on their safety and impact on other communities and 34% also said the implications of selling to a private owner (particularly another Traveller/Roma community member) which could cause conflict. These themes were underlined in site residents' comments where a strong preference was expressed for the sites to remain with the County Council or with a similar housing association or other management that was familiar with but not part of the GRT community. Other responses from the wider consultation with relevance to the themes of this analysis included: 18% commented about the implications/concerns of selling to a private owner (particularly another Traveller/Roma community member) which could cause conflict; 5% identified the cost implications of finding alternative accommodation and services and 5% suggested increasing residents involvement in the maintenance of sites and working with the council to make them more cost effective. These issues were also referenced heavily amongst comments from site residents.

Respondents were asked if the site they were responding about was sold, what should a potential buyer have. The leading responses were: 78% said understanding of the Gypsy, Roma, Traveller community and 66% said experience of running a Traveller site. 48% of responses were coded as "other" of which the leading responses were: 22 responses suggested a Housing Association or non-profit making organisation with understanding of traveller culture; 17 responses said links with local community and retain current use; 15 responses said understand GRT culture and treat residents fairly and with respect and 11 responses said not sold to GRT but must understand culture and treat with respect; 10 responses said financial stability and continuity of use to maintain and improve current site and 5 responses said changes of use should benefit the local community.

Amongst site resident respondents the responses were: 82% said understanding of the Gypsy, Roma, Traveller community, 74% said experience of running a Traveller site. The themes mentioned by site residents in comments included: "free from criminal activities, fair and honest people, appropriate reference from local authority. No record of bullying and intimidation"; "Needs of the site, potential for repairs, making our home better. The ability to talk to the community about making things better", any new owner should be "a good person", "must understand Travellers ways as we will not be ruled and treated with disrespect" etc.

Finally respondents were asked what if anything we could do differently other than selling the sites. The leading responses were: 68% said alternative/better management of site and working with residents to reduce costs, improve services and be more efficient – 82% of site resident respondents said this; 19% of all respondents said increase rents and make sites cost effective and 15% said that nothing could be done/keep as it is. 3% of respondents did suggest close and sell the sites and replace with social housing or development to benefit the general community respectively. Many site residents' comments suggested keeping the sites but working with the County Council or a similar organisation to reduce costs and make things better even where that meant modest rent increases or changes to other charges.

For the partner organisations questionnaire 6 responses were received: 5 were responding about Mellishaw Park in Morecambe, 4 were responding about Altham near Accrington and 3 were responding about Leighton Street, Preston. All six partner responses disagreed with our proposal.

Partner respondents were asked for their views on our proposal to sell the sites; 3 responses raised concerns for loss of sites and the people who live on them; 3 respondents said the proposal was not cost effective and 2 said more pitches are needed not less and better facilities/maintenance are needed.

Partner organisations were asked how they thought it would affect their organisation if the proposal happened. 2 respondents said people

would be displaced, 2 raised concerns for Traveller community welfare and 1 said the proposal was not cost effective.

Partners were then asked what we need to consider if the site they are responding about was sold. 3 respondents said selling the sites is not cost effective as it will have a knock-on effect to the local community, 2 said people will be displaced, 2 needed more information on the proposal and 1 said "we want Lancashire County Council to own it".

Partner respondents were asked what a potential buyer should have if the site they are responding about is sold. 4 respondents said experience of running a Traveller site and 4 respondents said understanding of the Gypsy Roma Traveller community.

Finally respondents were asked what, if anything, we could do differently rather than selling the three sites. 4 respondents said Lancashire County Council should retain the sites, 2 respondents said the Traveller community should be protected and there was 1 response each saying new owners may be detrimental to the community and residents/housing organisation should take over management.

4 organisation email/letter responses were also received as part of the consultation, one from a local authority, one from a Clinical Commissioning Group, 1 from a Spirituality Centre and one from the Warden of one of the sites. Of particular significance to this analysis are:

The letter from Xaverian Mission Spirituality Centres includes comments specific to the Leighton Street site but which may be seen as relevant more widely "Many of these people have been in Preston, on that site for some 35 years or so, and are worried that some of the proposed changes may well endanger their livelihood, raise the real possibility of being moved from their homes, destabilise the family nucleus and present an unnecessary burden on that community. The unrest could also contribute to the already present stereotypes and discrimination that the travelling community face daily. This would certainly destabilise the social cohesion that I know the Council have been working hard to promote in Preston".

The letter from Morecambe Bay Clinical Commissioning Group states "1) Although the sale of the site stipulates that the current residents will be able to stay on the site. There is evidence base from other areas of the country that where the sale of other such sites has occurred, the new landlords increase the price of the rent or change the conditions of the rent agreement (e.g. no animals allowed) which then forces the travellers off the site.

2) This would leave many of the current residents homeless and therefore forced back on to the road. This will in turn have a negative impact on health and wellbeing for all and diminished educational outcomes for the children, with increased risks around safeguarding. Currently all members of this community have good links to local health services and schools and given the general poor educational and health outcomes for the traveller community as a whole, we have a duty of care to ensure these relationships are maintained.

3) Through the Poverty Truth Commission, we have established good relationships with this community, and we hope to build on this over the next few years to really establish improved physical and mental health and wellbeing for all. If these families move on from Mellishaw those relationships will be lost."

Again whilst this relates to one site the comments can be viewed as relevant to all three sites.

The Warden from Leighton Street site raised a number of concerns highlighted elsewhere in this Analysis but also mentioned the specific impact for him as his job was to be Warden of the site. There could be similar effects for Wardens or others who work on the other sites.

Question 5 – Analysing Impact

Could this proposal potentially disadvantage particular groups sharing protected characteristics and if so which groups and in what way? This pays particular attention to the general aims of the Public Sector Equality Duty:

- To eliminate unlawful discrimination, harassment or victimisation because of protected characteristics;
- To advance equality of opportunity for those who share protected characteristics;
- To encourage people who share a relevant protected characteristic to participate in public life;
- To contribute to fostering good relations between those who share a relevant protected characteristic and those who do not/community cohesion;

- A decision to maintain delivery, would initially maintain the status quo, although ongoing expenditure is likely, any steps to make the sites more self-sufficient would ultimately have an impact on residents and could lead to the sites being un-viable. This option was, however, supported by a number of consultation respondents and in many of the site residents' comments.
- Options to sell with a clause that they remain Traveller sites. This is hoped to give some protection to those on site. However, the consultation/engagement has raised concerns that different ownership could potentially impact adversely on current residents – e.g. 13% of respondents raised concerns about this. A number of site residents commented that they were concerned that owners from other parts of the Traveller community might change rules, raise rents or want their own families on sites and were also afraid of "intimidations", "threats" or "bullying" being associated with this. Morecambe Bay Clinical Commissioning Group said in their consultation response, that there is evidence that this has happened elsewhere in the country.
- Most responses to the consultation did not appear to reference that the proposal was discriminatory against Travellers. 12% of respondents did state that Travellers are a vulnerable group and should be protected, when asked for their views about the proposal. However, the letter from the Xaverian Mission Spirituality Centre did state that, in their view, the proposal could contribute to increasing stereotypes and discrimination which the Travelling community already face. This could adversely affect

the PSED's aim of eliminating discrimination, harassment and victimisation.

- If ownership of the sites were to change there has been concern expressed in the consultation and in comments from residents that this could impact on the education of children and young people who are resident there – thus affecting the advancing of equality aim of the Public Sector Equality Duty. The site in Preston includes an Education Block whilst at all the sites pupils attend local schools. These arrangements could be disrupted by any change in arrangements for the sites. It is also likely that local schools have built up an understanding of Traveller culture and the needs of their individual pupils and their families which could be hard to establish elsewhere. 13% of respondents had raised concerns in the consultation about the potential negative impact on Traveller families (including children).
- More generally the health and wellbeing of residents could also be adversely impacted if they have disabilities or health conditions and have established links with GPs and other healthcare professionals to manage these conditions. For others health issues may be caused or increased because of the uncertainty which the proposal has created. These factors also have an impact on the advancing equality of opportunity aim and participation in public life aim. Residents will have built up relationships/rapport with healthcare staff which could be disrupted if they had to move. 25% of consultation respondents had raised concerns that if the proposal happened they could be homeless, forced to live on the road and lose access to health, employment and education and this concern was mentioned by 23% of respondents when asked for their views about the proposal. Amongst issues to be considered if the sites were sold 27% of respondents identified the impact on Traveller families (including children) – provisions for welfare, education and keeping family groups together. A number of site residents' comments spoke of needing regular health appointments for medical conditions they had which they would need to still be able to attend. One site resident commented that she had a new

baby and needed the facilities on site to care for their baby, she was concerned these may not be available if she had to move.

- Availability at alternative sites (private) and the selection methods they use could result in families being displaced / separated, or left without accommodation. 18% of respondents were concerned that it can't be guaranteed what a private landlord will do (e.g. raise rents, evict families, redevelop as something else) were mentioned in responses. Some comments from site residents said they would have to live on the road side, possibly in the local area or find other land although others said that they were too old to live on the road. There is a potential impact for a wide range of community members if current site residents decided they had to live on the road or on other pieces of land which may impact a wide range of facilities and communities.
- Many site residents commented that they had lived on site for 30-40 years and it was their home, and the home of generations of their families. The proposal would, if ownership of the sites changed and resulted in people having to move, negatively impact these residents equality of opportunity to choose where they live.
- A small number of people are directly employed as Wardens or in other roles at the sites. The impact of any change in ownership or changes of management arrangements for the sites on those individuals and their families would be significant.
- District Councils have a duty on housing and have expressed concern about the sites closing.
- A number of consultation questions raised issues which could affect the fostering good relations/community cohesion aim of the Public Sector Equality Duty. When asked how it would affect them if the proposal happened 8% of respondents had said it would not directly affect them but were concerned it would cause Travellers to resort to unauthorised sites with subsequent disruption and damage; 6% said it could affect them directly by causing conflict with authorities and other Travellers and 2% suggested it could increase problems for the local community. 23% of all respondents (34% of site resident respondents)

referred to concerns about where current residents will be moved to and the implications on their safety and the impact on other communities as factors that needed to be considered if the sites were sold. The possible impact on social cohesion in Preston was referenced in the Xaverian Mission Spiritual Centre response. Some site residents commented that they were accepted by communities local to their sites but others did not feel they would be accepted or treated fairly by local communities if they had to move. All could be detrimental to fostering good relations between communities.

Question 6 –Combined/Cumulative Effect

Could the effects of this proposal combine with other factors or decisions taken at local or national level to exacerbate the impact on any groups?

Services across the local authority are faced with reductions, all provisions are being reviewed, and options identified. These sites require expenditure and work to maintain, hence the future of the sites are being considered.

Impact of this reduction, may have an effect on the local councils in question, that manage the site and have responsibility for housing etc.

General responsibility under Section 225 of the Housing Act 2004 requires local authorities to assess accommodation needs of Gypsies/Travellers living/residing in the district as part of a review of district housing needs, placing legal responsibility on local housing authorities to identify and provide suitable and appropriate Gypsy/Traveller accommodation; housing services are a District and not a County Council function, therefore there is no statutory requirement for LCC to provide and fund the Travellers' sites (this arrangement stems from historic legislation that has been superseded).

Not taking action, will result in ongoing expenditure on the sites, and ongoing repair/upkeep of the site.

Question 7 – Identifying Initial Results of Your Analysis

As a result of the analysis has the original proposal been changed/amended, if so please describe.

The sites could be maintained with ongoing revenue and capital funding being used, this would need to be an ongoing arrangement. Savings have been identified in the consultation and increasing rent, may be possible but could result in the sites becoming unaffordable, or leave the sites in a poor/worse condition. The liability for the sites would remain with the Council.

Alternatively, the sites could be sold: there appears no clear benefits to any particular sale route. Providing a sale with the clause that the site is to remain for Travellers, may provide those on site some initial stability, however residents have raised concerns about purchasers.

Question 8 - Mitigation

Will any steps be taken to mitigate/reduce any potential adverse effects of the proposal?

Ensuring those on Site are aware of the position, and their rights. The Education Team have been involved during the process to help provide continued support.

District Council Duty and involvement

Placing restrictions on the site to ensure they continue as a Traveller Site will provide some reassurance and stability.

Question 9 – Balancing the Proposal/Countervailing Factors

This weighs up the reasons for the proposal – e.g. need for budget savings; damaging effects of not taking forward the proposal at this time – against the findings of the analysis.

Lancashire County Council, like many councils across the country, is going through financially challenging times. This is as a result of funding not keeping pace with the increasing demand and cost of services being delivered. We need to continue to look at ways of reducing costs to reach a financially sustainable position in future years. This means that we have to consider changes to some of the services we currently provide, as we do not have the resources to continue to deliver what we have done in the past.

The proposal considers the feedback from the consultation with the need to reduce costs.

It is acknowledged that whichever option is agreed by Cabinet will have an impact on residents of the three sites, all of whom are members of the Traveller community. It is also acknowledged that there is a disproportionate percentage of these residents who have disabilities or long term health conditions. Other protected characteristics may also be affected.

If it is decided to retain the sites in County Council ownership, there is a possibility that rents will rise and that other arrangements may need to change to ensure the sites can be managed cost effectively. This may have some adverse impact on site residents.

If a decision is taken to sell/transfer the sites there will be a continued period of uncertainty for site residents until this is concluded and new owners are in place. The extent of any adverse impact would be dependent on who takes over the sites. At this time it is not possible to anticipate what that outcome might be. However, this Analysis has highlighted to Cabinet the concerns which site residents have about the option to sell/transfer the sites.

Question 10 – Final Proposal

In summary, what is the final proposal and which groups may be affected and how?

The final proposal is for cabinet to decide on whether to continue funding the sites, or sell.

Some savings may be possible at the sites, but it should be noted that this in turn may lead to the sites becoming unaffordable, and the final liability for the sites will remain with the County Council.

To sell the sites, will achieve the financial requirement but concern is raised about the residents, and that even ensuring the sites remain for Travellers could still have an impact.

Question 11 – Review and Monitoring Arrangements

What arrangements will be put in place to review and monitor the effects of this proposal?

If the decision is to sell/transfer, consideration on the points raised by residents could be used in shortlisting / finding a suitable purchaser, however after completion there will be little the Council are able to do.

If the decision is to retain, a revised management arrangement will need to be considered. Any increase of rent or reduction in costs can be monitored, although any long term effect may only become apparent, in a number of years.

The sites are also attended regularly by Education Support Officers, who will be able to raise concerns directly with the Service.

Equality Analysis Prepared By Chris Bull

Position/Role Estates Services Officer

Equality Analysis Endorsed by Line Manager and/or Service Head

Decision Signed Off By

Cabinet Member or Director

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