

WEST DUNBARTONSHIRE COUNCIL**Report by Strategic Director – Regeneration, Environment & Growth****Infrastructure, Regeneration & Economic Development: 21 August 2019**

Subject: Engagement with the Gypsy/Traveller Community

1. Purpose

- 1.1** The purpose of this report is to provide members with information on the context and challenges related to unauthorised encampments, and propose steps to be taken to explore alternative means of managing the issue.

2. Recommendations

- 2.1** It is recommended that members:
- consider the information detailed in this report;
 - agree the criteria to be used for the evaluation of potential temporary stopping places;
 - approve the proposed respect code as attached at appendix 1;
 - consider the establishment of a Gypsy Traveller sub committee; and
 - agree to undertake early engagement and consultation on potential future options.

3. Background

- 3.1** Local Authorities have a responsibility, through the Equality Act 2010 and the Human Rights Act 1998 to ensure that Gypsy/Travellers are not discriminated against on the basis of their ethnicity. This responsibility is reaffirmed in the Scottish Government revised [Guidance on Managing Unauthorised Camping by Gypsy/Travellers in Scotland](#), issued in April 2017.
- 3.2** There has been a significant national focus on improving outcomes for Gypsy/Traveller communities in recent years, with a primary focus on accommodation. The guidance reflects a desire to ensure that the Gypsy/Traveller culture is supported across Scotland while also ensuring basic accommodation standards can be met. In part this is in response to the steady reduction in access to 'traditional' stopping places across Scotland.
- 3.3** West Dunbartonshire has an established 'fixed' site in the Dumbarton area, at Dennyston Forge, which is home to a number of families on permanent pitches. Recent years have seen significant investment on the infrastructure and provision on site, in line with national standards. Demand for additional pitches on the site is increasing, as existing families grow and extend.

- 3.4** In addition, West Dunbartonshire, particularly Dumbarton, is a traditional stopping place for Gypsy/Travellers each year. The number of individual families / encampments varies from year to year however there has been a notable increase in these unauthorised encampments since 2012. Some Gypsy/Travellers come to West Dunbartonshire for reasons such as seasonal employment, while others visit as part of a traditional nomadic lifestyle linked to family connections.
- 3.5** Often the number of encampments is impacted by weather conditions and ease of access to traditional stopping places. The weather conditions in summer 2015, and action taken by various owners to restrict access to common stopping sites in 2016 saw a reduction in numbers. However the number of unauthorised encampments and the length of stay for Gypsy/Traveller groups increased significantly in 2018. There were 11 separate encampments in the area over the period January to October, ranging in duration from 1 to 8 weeks and in size from 2 to 17 caravans.
- 3.6** Crown Office and Procurator Fiscal Service (*COPFS*) guidance to local Sheriffs makes it clear that there is a presumption against prosecuting Gypsy/Travellers for trespass as defined in section 3 of the Trespass (Scotland) Act 1865, where the sole issue is unauthorised encampment by Gypsy/Travellers. The guidance makes a range of suggestions of what should be considered before making a decision on how to manage each particular unauthorised encampment.
- 3.7** In light of changes to guidance, there is a need to plan the approach to unauthorised encampments in the area. This will ensure that our local actions are reflective of the guidance issued from Scottish Government in 2017 and also in line with the Equality Act 2010.

4. Main Issues

Context

- 4.1** It is important to understand that Gypsy/Travellers are not a single group but a diverse set of travelling communities with differing identities, cultures, histories, lifestyles and languages. Gypsy/Travellers also have a variety of reasons for travelling and camping, and engagement with local stakeholders highlighted that there are two distinct types of unauthorised site:
- small family groups with around three to five caravans, primarily focused on visiting family and friends, attending cultural or family events, and sometimes undertaking work; and
 - larger working parties with many caravans, and industrial equipment, primarily focused on carrying out business in the locality (e.g. gardening, minor building work, etc.).

4.2 Scottish Government guidance is clear that Local Authorities can define locations where they feel an unauthorised site will not be acceptable under any circumstances. These locations should be identified and published to ensure it is understood by everyone involved. These unacceptable locations could include:

- sites of scientific/environmental interest;
- parks, public open spaces in regular use, sports and recreation grounds;
- sites where pollution could damage water courses/water supply;
- an area of serious ground pollution or other environmental hazard;
- on a public road or the verge of a road, including lay-bys; and
- in proximity to a railway line where there may be a danger to individuals.

Common Challenges

4.3 Key issues raised by Local Authorities in relation to unauthorised encampments tend to focus on the cost and environmental impact of these unauthorised sites. The main challenges of managing an unauthorised site, particularly the impact on the local community, centre on the issue of waste. An unauthorised site requires refuse collection while in use and often significant clear up of fly tipping following use.

4.4 In addition to these waste specific challenges there can be issues with the appropriateness of the site chosen for unauthorised encampments – with public parks and open spaces in the Dumbarton area traditional stopping places for Gypsy/Travellers. This can have a significant impact on the wider community and lead to unrest from the settled community who see this use as destructive to the local environment.

4.5 Standard practice in recent years has been to respond to unauthorised encampments on Council owned land by raising an action for eviction through the Council legal team. This has resulted in Gypsy/Traveller settlements rotating on a regular basis from site to site across the area. This results in recurring legal costs as well as the clean up costs for each site (indicative costs to services are detailed in 4.7 below). This presents a risk in terms of our ability to ‘foster good relations’ in line with the Equality Act and also makes it more challenging for services to access individuals in the encampments to assess any health or welfare concerns.

Current Provision

4.6 At present a range of services are involved in responding to unauthorised encampments and providing a range of services to the individuals and families living on these sites:

- **Housing and Homelessness services**

Advice, access to temporary accommodation, enforcement and engagement are provided through the housing service. Housing is often a first or single point of contact for between the Council and those on temporary or unauthorised sites.

- **Environmental services**

This would include the clean up and waste services described above in relation to challenges. Skips are often required for site clean up, along with reinstatement where damage to the site has resulted from an unauthorised encampment.

- **Legal Services**

There is a specific role for the legal team in processing a response to an unauthorised encampment, including the use of sheriff officers to serve notices and, where necessary, to serve orders for eviction obtained by the legal team from the local Court.

- **Citizen Services**

Often the contact centre of Council is a first point of contact for residents from the settled community who are concerned about unauthorised encampments. While an unauthorised encampment can lead to a significant increase in contact with the Council. Only small number of these contacts will result in a formal complaint being noted.

In addition there is an increase in social media activity and comments when one or more encampment is present in the area. The language used by residents and others in the settled community could, at times, be considered discriminatory and there is a requirement for the Council to consider its response to this in relation to the third duty of the Equality Act – focused on the fostering of good relations.

- **Education Services**

Education services are more likely to be involved in provision of services to children living on the fixed site for Gypsy/Travellers than with families with children who are present in the area over the summer and autumn period. However there is still a requirement for services to be offered. In most cases children requiring access to education will be placed in the local school; however there are times when additional supports may be required.

- **Police Scotland**

WDC work closely with Police Scotland and other colleagues on issues related to unauthorised encampments. Police Scotland will respond to any calls to report unauthorised encampments or any disturbances at

sites. In addition regular positive visits are carried out in partnership between Police Scotland and housing & homelessness services to build a relationship with families on site.

- 4.7** Services regularly involved, or likely to be involved, in responding to unauthorised encampments have provided indicative costs of their response in the table below. Additional information will be added over summer on the 2019/20 costs.

Service area	2018/19 cost estimate	Historical costs (if available)
Housing & Homelessness services	£67,000	Costs not recorded previously
Environmental services	£75,000	£40-50,000 per annum
Legal Services	£2,000 (average annual cost for fees)	An average of £2,000 per year for fees
Education Services	Between £4,000 - £20,000 per child dependent on age and support requirements	Between £4,000 - £20,000 per child dependent on age and support requirements
Police Scotland	£3,500 (attendances for calls on unauthorised encampments)	£4,000 (more call outs in previous year)

- 4.8** A wide range of other Council and partner services will be involved at times in responding to queries or requests for service related to unauthorised encampments. However these are often at an individual level and can therefore not be quantified in a way which would be helpful for this report.

Provision in other areas

- 4.9** Research on common practice in other areas has identified a range of tools which could be adopted for 2020 onwards which will ensure a proactive and positive management of unauthorised encampments. Work has been done to understand provision in Aberdeenshire, Aberdeen City and Stirling Council areas, with some visits also undertaken. This work has informed thinking on the potential for development of a short stay site which could be utilised for the summer period when unauthorised encampments are common in the area.
- 4.10** Aberdeenshire Council has in place 30 charged pitches across a seasonal site (open April to September) and a transit site (year round). They report that there has been a marked reduction in unauthorised encampments since the transit site was developed. The transit site has a maximum stay period to ensure it does not become a fixed site by default. The single site in Aberdeen City Council has a mix of pitches available, for a weekly charge, for permanent and short stay while Stirling Council provides a free period of 10 nights across the mix of permanent and short stay pitches before a weekly charge is applied.
- 4.11** In addition, Aberdeenshire Council has established a Gypsy/Traveller Sub Committee with the following remit:

- To develop and approve Council policies and practices in respect of
 - a) issues specific to Gypsies/Travellers, including their health, welfare, educational and housing needs, and
 - b) unauthorised encampments.
- To monitor and approve the Council's Gypsy/Traveller Action Plan.
- To consider and approve arrangements regarding the provision of accommodation for Gypsies/Travellers.

4.12 A number of other areas have developed a 'Respect Code' which details approach Council and partners will take to unauthorised encampments and also lays out rights and responsibilities for both the settled and Gypsy/Traveller communities. A West Dunbartonshire Code has been drafted, attached as appendix 1, and will ensure all those involved are clear on expected behaviours in line with national guidance.

Proposals for future provision

- 4.13** Given the ongoing annual challenge around coordination and management of unauthorised encampments, a proactive and longer term approach to managing temporary demand similar to that undertaken in other Council areas may be helpful for Council and partners services.
- 4.14** This will ensure the local response is in line with legislation and statutory guidance from Scottish Government and will also allowing a level of planning and co-ordination which will reduce resource pressures (time and budget) on services.
- 4.15** It is suggested that an option appraisal of possible sites for a seasonal / temporary stopping place is undertaken. This appraisal should consider the status quo along with a range of options up to an including the provision of a second fixed site in the area.
- 4.16** It is important that any proposal for a temporary stopping place takes account of both user and local needs and that any proposed site is actually likely to be used and thus deliver benefits to all stakeholders. Following research into the matter the following criteria have been developed for consideration:
- Size and physical suitability of possible sites;
 - Ease of access to site;
 - The boundaries (physical and environmental) to the site;
 - The possible impact regarding proximity to settled communities;
 - The tradition and history of proposed sites (related to Gypsy/Travellers);
 - Cost of site development;
 - The environmental impact of site use; and
 - Access to services in wider community.

Consultation

- 4.17** If this proposal were to proceed it would be necessary to undertake a programme of consultation to support development of a final recommendation. This consultation would require involving key local services, local residents, potential users of the site and potentially national interest groups.
- 4.18** It is proposed that the consultation activity should be delivered through a series of focus groups, supported by an online survey. There are multiple audiences for the consultation, likely to be focused on different elements of the proposal.
- 4.19** Specific engagement would require to be undertaken with the 'nomadic' Gypsy/Traveller community present in the area through summer months to ensure that any proposed future provision meets needs and requirements of that population. Failing to do this may result in development of provision which is not used.

Next steps

- 4.20** Following a period of engagement a report will be presented to this committee in November, proposing next steps in the process. As detailed in 4.14 and 4.15 above, further work will require to be carried out to identify a range of possible sites for consideration if a temporary site is to be developed.

Depending on the outcome of this process consideration should also be given to the establishment of a sub committee similar to that in place in Aberdeenshire, or some other forum to facilitate discussion and management of these matters in future.

5. People Implications

- 5.1** There are no people issues associated with this report.

6. Financial and Procurement Implications

- 6.1** There will be no direct financial implications from carrying out the engagement proposed in this report, activity will be carried out from existing resources.
- 6.2** Developed of a temporary stopping place will require both capital and revenue investment. However scoping of the financial implication will be carried out through the option approval work proposed in sections 4.14 and 4.15.

7. Risk Analysis

- 7.1** As is detailed throughout this report, unauthorised encampments present a range of issues for this organisation and partners. Development of a new approach to stopping places / a temporary site will allow for a more proactive and coordinated approach to be taken.

8. Equalities Impact Assessment (EIA)

- 8.1** An equalities impact assessment (EIA) will be carried out alongside the engagement activity and option appraisal process. Gypsy/ Travellers are a protected group under equality legislation.

9. Environmental Sustainability

- 9.1** A Strategic Environmental Assessment (SEA) will be required if a stopping place / temporary site is being developed. This will be carried out at the same time as the EIA, during engagement and option appraisal activity.

10. Consultation

- 10.1** This issue and proposal have been discussed through the Member / Officer Unauthorised Encampment Working group. The report proposes a programme of engagement activity which will form the basis of consultation activity going forwards.

11. Strategic Assessment

- 11.1** This engagement activity supports delivery of the strategic priorities for 2017 – 2022; specifically:
- meaningful community engagement with active empowered and informed citizens who feel safe and engaged; and
 - open, accountable and accessible local government.

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Appendices: Appendix 1 – Draft Respect Code

Background Papers: None

Wards Affected: All