
Report To:	Health and Social Care Committee	Date: 30 April 2009
Report By:	Ian Fraser Corporate Director Education and Social Care	Report No: SW/17/09/JA/BK
Contact Officer:	Robert Murphy Head of Social Work Services	Contact No: 01475 714011
Subject:	Services to Gypsies/Travellers in Inverclyde	

1.0 PURPOSE

- 1.1 To advise members of the Council's current arrangements for responding to unauthorised Gypsies/Travellers encampments as they occur in Inverclyde, and to seek members' approval of an updated written policy on the issue.
- 1.2 To seek members' approval for ongoing exploratory discussions with neighbouring local authorities into the possible development of an official transit site. Any such new site provision would be designed to service the needs of Inverclyde, Glasgow City, Renfrewshire, and East Renfrewshire Councils in this area of service provision.

2.0 SUMMARY

- 2.1 Inverclyde Council has no current Gypsies/Travellers site provision either independently or in conjunction with neighbouring authorities. This being the case, the Council fully recognises Scottish Government Guidelines for Managing Unauthorised Camping by Gypsies/Travellers.
- 2.2 In the absence of official site provision, local authorities are required to manage unauthorised encampments in a manner which seeks to consider the social, health, welfare and educational needs of both the Gypsies/Travellers population and the broader community.
- 2.3 In order to clarify the roles of officers of all agencies involved in managing such sites, the Council should update and formalise its policy on Gypsies/Travellers service provision, and plan for future service provision in this area.

3.0 RECOMMENDATION

- 3.1 Members approve the attached updated policy on service provision for Gypsies/Travellers in Inverclyde as encampments are established in the area.
- 3.2 Members approve further discussions with neighbouring local authorities with a view to developing proposals for an official transit site which will be prepared for discussion/approval at a future Health & Social Care Committee.

4.0 BACKGROUND

- 4.1 Over the past few years, a number of unofficial or 'unauthorised encampments' have been set up at separate locations in Inverclyde, most notably Newark Castle car park, Parklea playing fields, Faulds Park car park, and at Inverkip public conveniences car park. The average size of such encampments is normally 3 to 5 caravans and the average stay 2 to 4 weeks.
- 4.2 Unauthorised encampments are set up on a short-term basis by Gypsies/Travellers when travelling through or visiting an area. They can also arise when families are having difficulty finding somewhere to settle in an area, for example, on a Council/RSL or private site. In many areas, such encampments are the only option available (where no available sites/pitches exist or where they are refused entry to private/holiday sites); for other Gypsies/Travellers they are the only option they will consider as part of their way of life.
- 4.3 In response to such encampments in the past, Inverclyde Council has adopted a policy of assistance and co-operation. The Council has been active in offering advice and practical support on issues such as waste disposal, site hygiene, social care, and educational support. Our NHS colleagues have provided input on health care issues and Strathclyde Police have offered ongoing advice and interventions on road traffic legislation, anti-social behaviour and other areas of common law.
- 4.4 Whilst great care has been taken to ensure that any disruption to everyday life is kept to a minimum when unauthorised encampments are set up in Inverclyde, the Council and the Police have received a number of complaints from the public regarding instances of alleged vandalism and careless waste disposal, in particular on the site at Newark Castle, which is adjacent to a facility of significant historical interest in the area, and a favoured attraction for the local community and tourists alike.
- 4.5 In 2006, Inverclyde Council Housing Services in conjunction with a number of neighbouring local authorities in West Central Scotland commissioned research on a Housing Needs Assessment of Gypsies/Travellers. The resultant report generally concentrates on official site provision, both existing and proposed; however one particular recommendation refers specifically to Inverclyde and is that the Council should, *"consider the case for new transit provision by working with Glasgow, East Renfrewshire, and Renfrewshire Councils on a joint strategy"*.
- 4.6 The Service Manager (Homeless Service) has met on two occasions with officers from the above-named authorities to share experiences on the subject and to discuss possibilities of pursuing a joint-strategy and development of a transit facility for use by all four local authority partners, located at an appropriate location. The joint authority officers meetings have been helpful and have reached the stage where official approval now requires to be sought in order to further develop any joint strategic proposal.

5.0 PROPOSALS

- 5.1 The Council adopts an updated written policy and procedural guidance on responses to Unauthorised Gypsies/Travellers encampments in Inverclyde.
- 5.2 The Service Manager (Homeless Service) continues to co-ordinate the joint-agency work in providing services to Gypsies/Travellers.
- 5.3 The Multi-Agency Tasking and Co-ordinating Group adopts a key role in the ongoing monitoring and management of Unauthorised Encampments.
- 5.4 The Council continues to pay due cognisance to the Scottish Government's Guidelines for Managing Unauthorised Camping by Gypsies/Travellers.

- 5.5 The Council continues to participate in discussions with Glasgow City, Renfrewshire, and East Renfrewshire Councils on the feasibility of exploring shared official site provision; the outcome of which will be subject of a further report to members.

6.0 IMPLICATIONS

- 6.1 Legal: There are no direct legislative implications other than the Council's ongoing statutory duties in respect of the rights of Gypsies/Travellers, and an acknowledgement of legislative powers contained within the Acts referred to in the policy.
- 6.2 Finance: There are no direct financial implications, as services required are provided from within existing financial resources.
- 6.3 Human Resources: There are no Human Resources implications as services provided by Council officers will continue to come under the remit of the existing staffing complement.
- 6.4 Equalities: The draft policy and procedural guidelines have been subject to an Equalities Impact Assessment in line with current Council policy on Equalities and Diversity.

7.0 CONSULTATION

- 7.1 Consultation has taken place with both external and internal stakeholders and their views are reflected in the draft policy and procedural guidelines.
- 7.2 Given the transient nature of the Gypsies/Travellers community, it has not been possible to engage in direct consultation with representatives of the Gypsies/Travellers community. However, the Gypsies/Travellers community was fully consulted in the drafting of the Scottish Government's Guidelines for Managing Unauthorised Camping by Gypsies/Travellers, to which this report pays due acknowledgement, and has made reference to in its drafting.

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**Policy and Procedural Guidelines on
Establishment of Unauthorised
Encampments by Gypsies/Travellers in
Inverclyde**

May 2009

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1. Introduction

1.1 This policy updates the Council position and procedural guidelines relating to the management of services to Gypsies/Travellers who establish unauthorised encampments in the Inverclyde area. The policy will provide greater clarity on the roles and responsibilities of the Council and our partners in Strathclyde Police, and the Community Health Partnership (CHP), towards providing the most appropriate, accessible services to Gypsies/Travellers.

1.2 The policy will facilitate the provision of a consistent approach, and ensure decisions taken in respect to Gypsy/Traveller encampments are reached in the acknowledgement of the unique circumstances surrounding each encampment.

1.3 The Council's response to all Gypsy/Traveller encampments, should seek to consider the social, health, welfare and educational needs of both the Gypsy/Traveller population and those of the broader community.

2. Background

2.1 Gypsies/Travellers are a small but distinctive ethnic and cultural minority within the Scottish population. The Scottish Government has recognised that Gypsies/Travellers have specific requirements and that they should receive the same level of protection from prejudice and discrimination as other ethnic minority groups in Scotland. The definition of Gypsies/Travellers excludes Occupational/Show Travellers and New (Age) Travellers. The incidence of travelling means that the population of Gypsies/Travellers in Scotland can vary considerably at different points in time. This is particularly true between the winter and summer months.

2.2 The responsibility for co-ordinating Inverclyde Council's services to Gypsies/Travellers lies within the Education and Social Care Directorate, principally with the Service Manager (Homeless Service).

2.3 Inverclyde Council has no current official site provision for Gypsies/Travellers, either independently or in conjunction with neighbouring authorities. This being the case, the Council fully recognises Scottish Government Guidelines for Managing Unauthorised Camping by Gypsies/Travellers.

3. Context

3.1 This policy emphasises Inverclyde Council's commitment, in conjunction with our partners in Inverclyde CHP and Strathclyde Police, to fully recognise the rights and responsibilities of the Gypsy/Traveller community. This is in line with the Council's ongoing commitment to Equality and Diversity, and the rights of Gypsies/Travellers to enjoy equity of access to services provided for everyone within the local authority area.

3.2 Inverclyde Council and our partners will at all times seek to adopt an approach of co-operation and assistance in response to unauthorised encampments, to ensure that the rights of Gypsies/Travellers and those in the broader community are fully respected.

3.3 Inverclyde Council believes that the effective management of services to Gypsies/Travellers and the response to unauthorised encampments can only be achieved by the acceptance of clear principles of joint-working with partner agencies, the broader community and Gypsies/Travellers themselves. In seeking to do so, the Council will at all times pay due cognisance to the Scottish Government Guidelines for Managing Unauthorised Camping by Gypsies/Travellers.

4. Establishment of Unauthorised Encampments

4.1 Unauthorised encampments are set up on a short-term basis by Gypsies/Travellers when travelling through or visiting an area. They can also arise when families are having difficulty finding somewhere to settle in an area, for example, on a Council, Registered Social Landlord or private site. In many areas, such encampments are the only option available (where no available sites/pitches exist or where they are refused entry to private/holiday sites). For other Gypsies/Travellers they are the only option they will consider as part of their way of life.

4.2 When an unauthorised encampment has been identified Inverclyde Council will be active in offering advice and practical support on issues such as waste disposal, site hygiene, social care, and educational support. Our CHP colleagues will provide input on health care issues and Strathclyde Police will offer ongoing advice and interventions on road traffic legislation, anti-social behaviour and other areas of common law.

5. Legislative Context

5.1 The Police have no powers to direct Gypsies/Travellers onto any land. This is the responsibility of local authorities. The Police are not empowered to remove or clear unauthorised encampment sites except where legislation empowers them to do so.

5.2 The relevant legislation covering any such action is contained within:

- Sections 61 and 62 of the Criminal Justice and Public Order Act 1994.
- Section 14 of the Public Order Act 1986 (serious community disruption from very large encampments)
- Trespass (Scotland) Act 1865
- Roads (Scotland) Act 1984

5.3 It is the settled view of Strathclyde Police that negotiation and civil means should be exhausted prior to any further police action being taken. In circumstances where Gypsies/Travellers have refused to re-locate, or have been repeatedly moved from the same site only to return, prosecution may be considered. Landowners including local authorities have responsibility to take further steps to prevent continued access to unauthorised sites.

5.4 Officers of Inverclyde Council, Inverclyde CHP and Strathclyde Police will at all times ensure that any actions taken in respect of the Gypsies/Travellers community will be balanced, consistent, legal, proportionate, and necessary to ensure compliance with the European Convention on Human Rights:

Article 8;

- *Everyone has the right to respect for private and family life, home and correspondence.*
- *There shall be no interference by a public authority with exercise of this right except such as, in accordance with the law, is necessary in a democratic society in the interests of well-being of the country for the prevention of disorder or crime, for the protection of health and morals, or for the protection of the rights and freedoms of others.*

and Article 14;

- ***Prohibition of Discrimination***
- *The enjoyment of the rights and freedoms set forth in the convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, associated with a national minority, property, birth or status.*

6. Procedural Guidance in response to Unauthorised Gypsies/Travellers Encampments

6.1 Due to the issues which may arise there is a need for an oversight of the establishment of an unauthorised encampment which incorporates a multi-agency approach. To this end it has been agreed that such cases be referred to the Multi-Agency Tasking and Co-ordinating Group by the Service Manager (Homeless Service). This group has been established through the Anti-social Behaviour Strategy to facilitate partnership working.

6.2 When any new unauthorised encampment is identified within the area, the Service Manager (Homeless Service), or identified deputising officer should be informed immediately.

6.3 The Service Manager (Homeless Service) will then co-ordinate a clear multi-agency response as outlined in the following procedural steps:

- An initial joint visit to the encampment will be carried out by Environmental Health staff, Community Warden and Strathclyde Police Gypsies/Travellers Liaison Officer. This visit will constitute a site assessment, which in discussion with members of the encampment will ascertain the number of vehicles onsite, the nature of the encampment, intended length of stay, and other basic relevant information on households, inclusive of number of children, residing onsite.
- This initial joint visit will ensure that the site does not pose any threat to hygiene, public health, or road safety, and will also ensure that there is no evidence of criminal damage, unnecessary nuisance, or careless waste disposal (Environmental Health staff will offer advice on waste disposal issues and issue refuse sacks as appropriate).
- On completion of the joint site assessment, officers will complete a Gypsies/Travellers Liaison Record, a copy of which should be sent to the Service Manager (Homeless Service), with the original copy being held by Strathclyde Police.
- Officers involved in the site assessment will inform the Gypsy/Travellers that a referral will be made for a subsequent visit to be carried out in order to assess any input required from health, social work and education services.
- The Service Manager (Homeless Service) will arrange for a further joint visit to be carried out in order to assess any health, welfare or educational needs of the households within the encampment in conjunction with named contacts in Social Work Services, Education Services and Inverclyde Community Health Partnership.
- A further Gypsies/Travellers Liaison record will be completed and passed to the Service Manager (Homeless Service). Any required

services will be offered and provided through normal working arrangements by the services involved.

- The Service Manager (Homeless Service) will request that the establishment of the encampment be included on the agenda of the next available meeting of the Multi-Agency Tasking and Co-ordinating Group, in order to discuss any issues arising, and share experience of joint-working in order to offer any further appropriate services or interventions.
- The Group will also discuss an agreed response to unauthorised encampments in general, and ways in which any issues associated with ongoing improvement in service provision can be best achieved.
- It will be for the Multi-Agency Tasking and Co-ordinating Group to decide if further ad-hoc meetings of the group are required in order to monitor service provision to the site, and to make appropriate decisions for any required additional action.
- Any official correspondence with members of an unauthorised encampment should be co-ordinated by the Service Manager (Homeless Service) and should take full account of the views expressed within the Multi-Agency Tasking and Co-ordinating Group.
- This will assist in ensuring a consistency of approach to service provision to Gypsies/Travellers, and an agreed proportionate response to enquiries, and any statements pertaining to responses made to the establishment of unauthorised encampments in the area.