

Report To:	Safe, Sustainable Communities Committee	Date:	30 August 2011
Report By:	Corporate Director Education & Communities and Corporate Director Inverclyde Community Health & Care Partnership	Report No:	SCS/66/11/AH/DH
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Subject	Gypsies/Travellers in Inverclyde		

1.0 PURPOSE

- 1.1 The purpose of this report is to provide the Committee with details of the reactive process carried out by the Council when alerted to the establishment of an unauthorised gypsy traveller's camp in Inverclyde.

2.0 SUMMARY

- 2.1 Policy and Procedural Guidelines on the Establishment of Unauthorised Encampments by Gypsies/Travellers in Inverclyde was approved at the 25 May 2009 meeting of the Health and Social Care Committee. These guidelines are in Appendix 1.
- 2.2 The Health and Social Care Committee also approved that discussions take place with neighbouring Authorities with a view of developing proposals for an official transit site for travellers. These discussions did take place at the time but proved fruitless.
- 2.3 In the Inverclyde area a number of mainly short term unauthorised encampments are established every year. 2011 has already seen increased frequency, size and duration of unauthorised encampments. Most encampments pass without any major issues. However the use of sensitive sites and damage to council property as some sites continues to cause problems.
- 2.4 A number of council services are involved in the management of conditions etc. at these unauthorised sites. The costs involved are absorbed in existing service budgets.

3.0 RECOMMENDATIONS

- 3.1 That the Committee agree:
1. to a review of the current policy and procedural guidelines on the establishment of unauthorised encampments by Gypsies/Travellers in Inverclyde;
 2. that an across service working group, along with the Police, is established by the Officer responsible for Gypsies/Travellers liaison (Service Manager – Homelessness), which will, in turn, make recommendations to the Committee on how best to secure sensitive public sites from being used as unauthorised encampments; and
 3. that options for the establishment of an official transit site are reported back to the Committee for consideration.

4.0 BACKGROUND

- 4.1 Following Scottish Government Guidance issued in 2004 to encourage and assist Local Authorities and the Police to develop policies on unauthorised camping by the Gypsies/Traveller community the Council approved the Document **“Policy and Procedural Guidelines on the Establishment of Unauthorised Encampments by Gypsies/Travellers in Inverclyde”** at the meeting of the Health and Social Care Committee on 25th May 2009. These guidelines are in Appendix 1 [Min Ref 25/05/09 Para. 360]
- 4.2 The guidelines detail the process to be followed after an unauthorised camp has been established within Inverclyde. The principles in the Council guidelines reflect that of the Scottish Government Guidelines that recognise the rights of the Gypsies/Traveller community as well as the settled community.
- 4.3 At the same meeting the Health and Social Care Committee also approved that discussions should take place with neighbouring Authorities to seek agreement to develop proposals for an official transit site for travellers. These discussions did take place at the time but proved fruitless. Indeed, during the course of these discussions, Glasgow City Council took the decision to close the one remaining official site within its boundaries due to lack of use.
- 4.4 The number and frequency of Gypsies/traveller camps have been increasing in Inverclyde. This year there has been a noticeable increase in number of camps. Appendix 2 provides details of camps in 2011 up until week ending 22nd July

5.0 Issues for Inverclyde

- 5.1 The main purpose of the Council Guidelines is to provide a strategy that respects the needs and the views of Gypsies/Traveller community, but also the settled community. Anti social behaviour etc should not be tolerated from Gypsies/Traveller community. However anti social behaviour from the settled community against the Gypsies/Traveller community should also not be tolerated.
- 5.2 There are a number of public areas are used for unauthorised camps. While the camps are there other members of the public are being restricted in the use of the area as a result. These sensitive areas are not suitable for camps due to conflicting use.
- 5.3 The Gypsies/Traveller community do generally take care of the camp sites; unfortunately some groups abuse the sites and cause damage which impacts on council budgets.

6.0 A Way Forward

- 6.1 The Council Guidelines should be reviewed to consider and Identify sensitive areas where problems arise due conflicting use. The Guidelines should provide a clear strategy on how to deal with these sites.
- 6.1 A Short term working group made up off appropriate Council Services and the Police should be tasked with this review. This Group should provide recommendations on securing sensitive sites to prevent unauthorised camps.
- 6.2 In order to respect the rights and traditions of the Gypsies/Traveller community the working group should also make recommendations of suitable sites for temporary use by Gypsies/Traveller community. The working group should seek to consult with representatives of the Gypsies/Travellers community during the process of arriving at these recommendations.
- 6.3 The establishment of suitable transit sites for Gypsies/Traveller community should be further explored with neighbouring Councils.

7.0 Implications

- 7.1 **Legal:** The review of the guidelines must reflect the Council's obligations under the Human Rights and Equalities Legislation
- 7.2 **Financial:** No financial implications at this stage, however any associated future recommendations to the Committee will detail financial costs as appropriate.

8.0 CONSULTATION

- 8.1 This report has been prepared in consultation Finance and Legal services officers

9.0 CONCLUSION

- 9.1 There is an increasing number and frequency of unauthorised encampments in Inverclyde. Some camps cause conflict in the use of sensitive public areas. The Council guidelines and policy for managing its approach to such encampments should be reviewed to take account of these issues.

10.0 LIST OF BACKGROUND PAPERS

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|------|---|---------------------------------------|
| 10.1 | <ol style="list-style-type: none">1. Services to Gypsies/Travellers in Inverclyde – report to Health & Social Care Committee, 25 May 2009; and2. Guidelines for Managing Unauthorised Camping by Gypsies/Travellers in Scotland , Scottish Executive , Edinburgh 2004. | [Min Ref
25/05/09
Para.
360] |
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**Policy and Procedural Guidelines on
Establishment of Unauthorised
Encampments by Gypsies/Travellers in
Inverclyde**

May 2009

Appendix 1

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Appendix 1

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.

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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.

Appendix 1

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.

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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.

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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.*

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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

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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.

Appendix 2

UNAUTHORISED ENCAMPMENTS IN INVERCLYDE 2011.

CUSTOMHOUSE WAY GREENOCK

23 January 2011	.	3 Caravans Arrive
27 January 2011.	Additional 3 Caravans arrive	Total 6 Caravans
18 February 2011.	3 Caravans leave	Total 3 Caravans
03 March 2011.	3 Caravans Leave	Total zero

OLD GANTOCK HOTEL SITE GOUROCK

28 February 2011.		7 Caravans arrive
04 March 2011.		7 Caravans leave

FAULDS PARK GOUROCK

21 March 2011.	6 Caravans Arrive	
25 March 2011.	2 Caravans Arrive	Total 8 Caravans
27 March 2011	8 Caravans Leave.	

KELBURN PARK PORT GLASGOW

26 March 2011.	2 Caravans arrive	
29 March 2011.	13 Caravans now pitched.	

PARKLEA PLAYING FIELDS, PORT GLASGOW

3 APRIL 2011.	4 Caravans Arrive	
8 MAY 2011.	7 Caravans now pitched on site	
17 May 2011.	9 Caravans now pitched on site	
18 May 2011.	All left site.	

Appendix 2

FAULDS PARK GOUROCK

17 May 2011. 9 Caravans arrive on site.

25 May 2011. 9 Caravans remain on site.

OLD GANTOCK HOTEL SITE.

22 MAY 2011. 4 Caravans on site.

24 MAY 2011. No Caravans

KELBURN PARK PORT GLASGOW

08 JULY 2011. 5 Caravans on site

20 JULY 2011. 14 Caravans on site

22 JULY 2011 21 Caravans on site (Still There)

NEWARK CASTLE PORT GLASGOW

10 JULY 2011. 3 Caravans on site

18 JULY 2011. No Caravans

20 JULY 2011. 3 Caravans return (Still There)