

## **Aberdeenshire Council's Policy Regarding Management of Unauthorised Gypsy/Traveller Encampments**

### **1. Legislative Background**

- 1.1 This policy updates the policy which has been in place since 2002, which in turn had replaced the policy of 'toleration and non-harassment of Gypsy/ Travellers. It reflects guidance subsequently issued by the Scottish Executive to local authorities. The Association of Chief Police Officers in Scotland has also developed national guidance on unauthorised encampments. The policy does not apply to New Age Travellers nor to Travelling Showmen.
- 1.2 Council policies and procedures reflect recently introduced legislation such as the Human Rights Act 1998 and the Race Relations Act 1976 as amended by the Race Relations (Amendment) Act 2000. Furthermore, the Council is seeking to implement the recommendation of the Scottish Parliament's Equal Opportunities Committee, which, following an enquiry in 2001, indicated, amongst a total of 37 recommendations, that Gypsy/Travellers should be regarded as an ethnic group. Other relevant legislation includes the Childrens (Scotland) Act 1995 and Homelessness legislation.
- 1.3 Under the Race Relations legislation, the Council is bound by the General Duty to promote good relations between people of different racial backgrounds and to promote equality of opportunity and elimination of unlawful discrimination.
- 1.4 The Policy has been the subject of an Equality Impact Assessment, which is published on the Aberdeenshire Council website.

### **2. Situation in Aberdeenshire**

- 2.1 Aberdeenshire Council is striving to achieve equality by providing a positive and accessible environment, free from prejudice and unlawful discrimination and valuing the needs and rights of all individuals.
- 2.2 The Council is committed to promoting equality which includes addressing the needs of Gypsy/Travellers, as part of the Council's Race Equality Scheme.
- 2.3 The Council recognises and accepts the Gypsy/Traveller's right to a nomadic way of life.
- 2.4 The Council seeks to promote a positive environment for good community relations and to prevent incidents of racial harassment. In doing so, the Council is striving to provide a balance between the needs of members of the settled community and Gypsies/Travellers who want to stay on a temporary encampment, and are restricted in where they can legally encamp. The Council, in recognising that local communities often have concerns about the impact of unauthorised sites, expects encampments to be managed to a standard that does not cause disturbance to the local settled community nor to the environment.
- 2.5 Aberdeenshire Council has one Gypsy/Travellers site at Greenbanks, Banff, providing 20 pitches on a seasonal basis (April to October).

- 2.6 Adjoining local authorities in Moray, Angus and Aberdeen City also have Gypsy/ Travellers sites but it is recognised that in the North East as a whole there is inadequate accommodation for Gypsy/Travellers.
- 2.7 Several locations are used by Gypsy/Travellers on a temporary basis, such as lay-bys.
- 2.8 Many of the sites traditionally or previously used by Gypsy/Travellers are no longer available to them either due to the development of that site or barriers being put in place. This has resulted in Gypsy/Travellers using relatively few locations and for longer periods of time with quite often larger numbers of caravans present than in the past. The location chosen by Gypsy/Travellers is influenced by the type and extent of work available, and they, like others in the North East, are affected by the changing work patterns evidenced in recent years.
- 2.9 Aberdeenshire Council has a Service Level Agreement with the Gypsy/ Travellers Education & Information Project (GTEIP). GTEIP help to identify the needs of Gypsy/Travellers and work closely with Council Services in addressing these needs and in dealing with issues arising from unauthorised encampments

### **3. Provision of Accommodation for Gypsy/Travellers**

- 3.1 As mentioned in 2.5 there is one official Gypsy/Travellers site in Aberdeenshire. Steps are being taken to identify land that could be developed as short term halting sites (also known as transit sites). The intention is to form up to 5 of these sites, providing basic facilities including a refuse skip and portaloo. These sites will be identified and developed through consultation with local communities, partner agencies and Gypsy/Travellers.

### **4. Sharing Information**

- 4.1 The agencies within Aberdeen City, Shire and Moray work closely together and agree to: act at all times in a humane and compassionate manner, co-operate with each other, maintain an open and honest relationship, keep accurate records and liaise with other agencies in assessment and decision making. Information is shared between partner agencies regarding caravan numbers, number of occupants, the needs of Gypsy/Travellers and issues arising from unauthorised encampments. A standard Needs Assessment proforma is completed and circulated to all relevant agencies for information and action.
- 4.2 Aberdeenshire Council is the lead agency with regard to the management of unauthorised camping in Aberdeenshire. The Council works closely with Grampian Police and Gypsy/Travellers Education & Information Project. The Council is represented at a number of inter-agency fora:

Aberdeenshire Council Travellers Working Group  
Aberdeen City, Moray and Aberdeenshire Inter-agency Group  
Gypsy Travellers Education & Information Project Committee meetings  
Integrate Aberdeenshire Forum

These groups comprise similar agencies – local authorities, Grampian Police, GTEIP, NHS Grampian and occasionally Gypsy/Travellers.

- 4.3 Aberdeenshire Council, and other public bodies, have a duty to comply with Race Equality legislation and in this respect works closely with partners such as the Forestry Commission, Scottish Natural Heritage, Scottish Enterprise Grampian and NHS Grampian.
- 4.4 Aberdeenshire Council and Grampian Police have a protocol (draft) regarding liaison between the two agencies.
- 4.5 In sharing information, guidelines around professional confidentiality and data protection are followed, taking account of the need for agencies to have information if needed to protect children.

## **5. Management of Unauthorised Encampments**

- 5.1 Unauthorised encampments will be monitored by Environmental Health staff. At the first visit to the site a Needs Assessment Pro-forma will be completed by staff, capturing information about the encampment and the suitability of the land.
- 5.2 The following criteria will be taken into account in assessing the encampment:
  - a) The welfare, education and health needs of the occupants of the encampment;
  - b) Suitability of the site for habitation, e.g. free from contamination;
  - c) Suitability of the site for occupation by large vehicles or trailers without causing undue harm or safety to either Gypsy/Travellers or the settled community, or to the land;
  - d) Road safety issues;
  - e) Compliance with the 'Good Neighbour Code' by occupants;
  - f) Duration of occupation of the site;
  - g) Effect on the intended or proposed use of the land, including disruption to a business or Council Service
  - h) Effect on habitats or species which are protected as part of a designated action conservation site;
  - i) Potential of nuisance to nearby residents and businesses and risk to public health and safety e.g. noise, fires, etc;
  - j) Impact on adjoining or nearby properties and interference with the effective operation or management of these properties;
  - k) Number of animals; and
  - l) Any criminal activity associated with the occupants of the encampment.
- 5.3 Encampments will not be permitted on operational Council premises such as Park & Ride facilities, civic amenity/recycling facilities, Country Parks, Public Parks and playing fields. Immediate action will be taken to evict encampments should they arise on such sites.
- 5.4 Gypsy/Travellers on unauthorised encampments require to follow the Good Neighbour Code ie:
  - Keep groups small; no more than 8 caravans;
  - Look after the land you park on and respect nearby residents;

- Keep animals under control at all times;
- Dispose of litter and other rubbish in a responsible manner and use the bags or waste receptacles where provided; Do not fly-tip;
- Use the portaloo if one is provided;
- For your own safety and that of others, remember the Highway Code;
- Do not start fires which may get out of control or cause concern/danger to nearby residents/properties and/or nuisance through smoke/smell or damage the land. Fires must not emit dark or black smoke.

The maximum length of time that Gypsy/Travellers are allowed to stay on an unauthorised site on Council owned or controlled land is 6 weeks. Once Gypsy/Travellers leave the site they will not be permitted to return to that site within the following 4 weeks.

- 5.5 The Gypsy/Travellers will be advised of the Good Neighbour Code by Environmental Health staff and GTEIP. Leaflets will be distributed at the time of the initial visit (attached as Appendix A).
- 5.6 A basic principle in having such a Code is to ensure that the same standards and expectations are applied to Gypsy/Traveller communities and to the settled community. There should be respect for the environment and both communities. It is important to challenge unacceptable behaviour regardless of source.
- 5.7 Where appropriate, refuse and toilet facilities will be provided. The Gypsy/Travellers will be required to make a contribution towards the costs of these services.
- 5.8 Where appropriate, a briefing note can be issued to local residents, Community Council and businesses in the vicinity of the unauthorised encampment, detailing the Good Neighbour Code and the Council's policy, and advising of the steps taken by the Council. It will also advise them of the rights and responsibilities of the Gypsy/Travellers and of the settled community in respect of community relations.
- 5.9 Guidance on enforcement action is available in the Scottish Executive "Guidelines for Managing Unauthorised Camping by Gypsies/Travellers in Scotland". The steps the Council can take to evict will depend upon whether it owns the land or in the case of old section of roads and lay-bys whether it is responsible for maintenance.
- 5.10 Following the initial visit to an encampment, a decision will be taken by the Environmental Health Service, in conjunction with the Council Service responsible for the land in question, as to whether or not the encampment can remain. Relevant Council Services, local Members, Grampian Police and GTEIP will be advised of the encampment and conditions and kept updated. If it is considered that, taking into account all the issues in 5.2 and the Policy as a whole, the encampment is not in a suitable location, the Law & Administration Service will be instructed to take legal action to have the encampment evicted. Eviction action is summarised in Appendix B.

- 5.11 For those encampments permitted to remain, Environmental Health staff and GTEIP will regularly visit to assess conditions and compliance with the criteria in Section 5.2. Where necessary, enforcement action will be taken to deal with issues arising from the encampment. This could include action against identified individuals under the Environmental Protection Act 1990 (EPA) to deal with public health, litter and fly-tipping issues, or action to evict the encampment. Where there are breaches of the Good Neighbour Code, the Gypsy/Travellers will be advised verbally and in writing of the breaches and advised that they require to take immediate steps to comply with the Code. Should subsequently the Code be breached/continued to be breached, formal action under the EPA will be taken where possible. Should it not be possible to seek compliance of the Code through the EPA, legal action will be taken to evict the individuals/family in question or the encampment as a whole.
- 5.12 Should an encampment still occupy land after 5 weeks, steps will be taken to evict the encampment with a view to them being evicted the following week. Decisions with regard to any action to be taken in connection with an unauthorised encampment have to be proportionate and justifiable, taking cognisance of available evidence and the unique circumstances surrounding each encampment.
- 5.13 If an encampment comprises no more than 8 caravans, there have been no breaches of the Good Neighbour Code and it does not give cause for concern in terms of the criteria in Section 5.2, the encampment will be allowed to continue beyond 6 weeks. The site will continue to be monitored on a weekly basis and should there be a breach of the Good Neighbour Code or there are other concerns in terms of the criteria in Section 5.2, immediate steps will be taken to evict the encampment.
- 5.14 Where unauthorised encampments are on non-Council controlled land, Environmental Health staff will contact the landowner and advise of the Council's policy and the Good Neighbour Code. Subject to the owner's permission, Environmental Health staff will visit the encampment. Landowners will be advised that it is their responsibility to ensure the Code is being met and that local residents and the environment are not adversely affected. Requirements in terms of Planning legislation and the Caravan Sites & Control of Development Act 1960 will be considered. Toilet and refuse collection provision will be offered to the landowner to prevent environmental damage. Should it not be possible to identify or contact the landowner or his/her agent the Council will provide refuse and toilet facilities for which the Gypsy/Travellers will be required to make a contribution towards the costs of these services. Aberdeenshire Council and GTEIP will monitor and visit encampments on private land but landowners will require to seek independent legal advice as to the legal remedies available.
- 5.15 Where a barrier has been removed to give entry to an unauthorised Gypsy/ Traveller encampment, then on the departure of the Gypsy/Travellers, the barrier will be reinstalled. Where appropriate, Grampian Police will be asked to investigate any damage to Council property.

- 5.16 Relevant Council Services will consider whether land owned by the Council or under their control requires to be protected from occupation e.g. by means of a height restriction barrier.

## **6. Consultation & Communication**

- 6.1 The policy will be available for distribution in a variety of formats, accessible to Gypsy/Travellers, settled community, businesses etc.
- 6.2 A briefing note will be available for distribution to local residents, Community Councils and businesses, when unauthorised encampments occur.
- 6.3 Aberdeenshire Council will liaise with relevant agencies when issuing press releases or responding to media enquiries.
- 6.4 Information regarding each encampment will be circulated by email, to Moray and Aberdeen City Councils, Grampian Police and GTEIP.

## **7. Monitoring & Review**

- 7.1 The Aberdeenshire Council Travellers Working Group will have responsibility for monitoring implementation of the Policy. The Policy will be reviewed annually, which will include consultation with partner agencies.

## **8. Links to Other Policies and Strategies**

- 8.1 This Policy has been developed in recognition of the links to other Council policies and procedures, including:

Race Equality Scheme  
Homelessness Strategy  
Local Housing Strategy  
Joint Health Improvement Plan  
Children's Services Plan