



# **Managing Unauthorised Encampments by Gypsy/ Travellers**

## **Policy Statement & Procedure**



# 1 Purpose

1.1 The purpose of this document is to set out the Council's approach to managing unauthorised encampments across North Lanarkshire. This policy highlights our commitment in dealing with unauthorised encampments in a fair and proportionate manner, in partnership with other key partners including NHS and Police Scotland. This policy is reflective of the recommendations within the [Managing unauthorised camping by Gypsy/Travellers in Scotland: guidance for local authorities](#).

1.2 We recognise the rights of Gypsy/Travellers to practice a nomadic lifestyle, including travelling and camping across Scotland. However, however as a local authority we need to balance this with the needs of the settled community in the area.

1.3 While the large majority of unauthorised sites do not cause any difficulties, some sites can give rise to friction, for example if they are in inappropriate locations, those living on a site are not behaving in a responsible manner, or because of tension with local settled communities. This section sets out the general approach adopted by the council and reflects what the Scottish Government considers is appropriate for a local authority in managing unauthorised sites.

1.4 The Scottish Government believes some basic principles should be followed:

- Local Authorities should seek to manage unauthorised sites to minimise disruption for all concerned and ensure that anti-social behaviour is tackled firmly, regardless of who the perpetrators are
- The same standard of behaviour should be expected from all members of the community, whether gypsy/travellers or the settled community, based on mutual respect and with regard to the rights and responsibilities of all those concerned The Scottish Government believes some basic principles should be followed:

# 2 Terms/Scope

2.1 This policy applies to the management of all unauthorised encampments. For this purpose, the term 'unauthorised encampment' is used to describe a site which has been established by gypsy/travellers without Planning Permission. Such sites will normally be in place for a number of days, but can sometimes be in place for longer.

2.2 There is a lot of diversity amongst Gypsy/Traveller communities in Scotland, with different groups speaking a variety of languages and holding to distinct customs and traditions. For the purpose of this policy, the term Gypsy/Traveller refers to all the different groups below:

- Scottish Gypsies/Traveller
- Gypsies, or Romanies
- Irish Travellers
- European Roma
- Occupational Travellers, such as fairground and circus people
- New Age or New Travellers

2.3 The policy applies to all North Lanarkshire Council staff involved in the management of unauthorised encampments and other key partners involved in joint working.

## 3 Legislation and Guidance

3.1 Gypsy/Travellers are a distinct ethnic group, and as such are protected by law. The Equality Act 2010 provides Gypsy/Travellers will the same protection as all other ethnic groups. North Lanarkshire Council and key partner agencies will fulfil its obligations under the Equality Act whenever carrying out its functions and in particular when making any decisions regarding the management of unauthorised encampments.

3.2 The Council will exercise its legal powers according to relevant legislation and also take into account Scottish Government statutory guidance.

3.3 Reference should be made to the following documents as required:-

- [Managing unauthorised camping by gypsy/Travellers in Scotland: Guidance for LA's 2017](#)
- [Local Housing Strategy 2016 - 2021](#)
- [Anti –Social Behaviour \(Scotland\) Act 2004](#)
- [A Fairer Scotland for all: Race Equality Action Plan and Report 2017-2021](#)
- [Trespass \(Scotland\) Act 1865](#)
- [Roads \(Scotland\) Act 1984](#)
- [The Equality Act 2010 \(Specific Duties\) \(Scotland\) Regulations 2012](#)
- [Pas – Gypsy Travellers and the Scottish Planning System – A guide for LA's](#)
- [Environmental Protection Act 1990 \(section 59\)](#)

## 4 Roles and responsibilities

### 4.1 The Local Authority

The management of unauthorised Gypsy/Travellers sites on public land is a matter for us, as a local authority. This includes:

- decisions on the management of a site
- making an initial assessment of needs and informing relevant agencies where appropriate (e.g. education, health)
- considering the safety and security of those living on an unauthorised site;
- communicating with the Gypsy/Travellers living on the site, and the settled community around a site
- any consideration of legal action to reclaim the land the unauthorised site is on

If the unauthorised site is on private land we still retain responsibility for monitoring the camp; making agencies aware of any needs; and liaising with the landowner. However, it will be for the landowner to decide what legal action, if any, to take to reclaim the land.

## 4.2 Police Scotland

The role of the Police in or around an unauthorised site is to ensure that public order and wider community safety issues are addressed and, at the same time, to work with local authorities and other agencies to meet the needs of all communities. The police will investigate any allegations of criminal offences and anti-social behaviour on or around a site in line with their normal procedures. That includes both offences those living on a site are alleged to have committed, and offences committed against Gypsy/Travellers living on a site.

If the police are requested to do so they will support local authority officers, landowners or their representatives by visiting unauthorised sites with them whilst they serve eviction notices, or similar. This is to ensure there are no public order issues. The police will not play any active part in the service of any papers or the eviction process itself unless instructed by the court or where a crime is being committed.

# 5 Approach

## 5.1 Consistency

The Council and its partners will ensure that the response in relation to unauthorised encampments is consistent in line with the policy and reflects the most recent Scottish Government Guidance.

## 5.2 Communication

It is important when responding to an unauthorised site that we ensure there is regular, clear, communication with Gypsy/Travellers living on the site, the local settled community, and relevant elected representatives and out partners who help support Gypsy Travellers. This role is carried out by the Gypsy/Traveller Liaison Officer within the council (Enterprise & Communities).

## 5.3 Unsuitable Locations

There are some locations where an unauthorised site will not be acceptable under any circumstances (because of traffic hazards, environmental damage, etc.). These locations may include:

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

This is not an exhaustive list and there may be other circumstances where a location would be deemed unsuitable. In these circumstances, necessary steps will be taken by the council to remove these unauthorised encampments.

## 5.4 Acceptable Behaviour

We expect those living on an unauthorised site to demonstrate appropriate behaviour, including:

- looking after the land the site is on;
- showing respect to nearby residents;
- keeping animals under control at all times. This includes acting to minimise the noise from dog barking;
- disposing of litter and other rubbish in an appropriate manner ( e.g. no fly-tipping)
- getting rid of animal and human waste hygienically;
- not starting fires without prior written permission from the local authority or landowner;
- minimising the noise from generators to prevent nuisance;
- keeping groups small, and the number of caravans appropriate to the location

## 5.5 Welfare needs

Gypsy/Traveller communities experience poor outcomes in relation to health, education, and in other areas. Several agencies will potentially have an interest in the wellbeing of Gypsy/Travellers on an unauthorised site, including those dealing with housing, education, health, and social work. We have arrangements in place to ensure that all the relevant services within the authority work effectively together, and are clear on their respective roles, in relation to meeting the needs of Gypsy/Travellers living on an unauthorised site.

We also have in place arrangements with relevant external partners, such as NHS Lanarkshire, where necessary to ensure the welfare needs of those living on an unauthorised site are being met. Where welfare needs are identified, NHS Lanarkshire are contacted and a joint visit arranged to complete a health needs assessment for those living on the encampment. Education may also be informed if there are any children of school age. If there are any animals within the encampment and concerns have been highlighted, the SSPCA will be informed in order that they can take appropriate action.

## 5.6 Unauthorised Encampments on Council Land

Once we are aware of an unauthorised encampment, the Gypsy/Traveller Liaison Officer will visit the site, taking into consideration the council's lone working protocols. All relevant partners will be informed of the encampment by email (Local Councillor, Police Scotland, Housing Locality, Legal Services, Environmental Services and Northline). At the initial visit, the officer will gather a variety of information to help assess the needs of those living in the encampment and offer support where necessary. Relevant information will be given to those living on the site and will be issued with contact details of the Gypsy/Travellers Liaison Officer, to ensure they have a point of contact within the council should they require further assistance.

A decision will be taken in terms of how the site should be managed. All decisions should be based on the evidence and information available and in light of any specific circumstances. This decision will be made by the Gypsy/Traveller Liaison Officer, however they may request assistance from other council officers to make this decision. Should we decide to manage an unauthorised site, regular visits will be made to ensure the welfare needs of the families are being met. The Gypsy/Traveller Liaison Officer will determine how often visits need to be carried

out, based on the individual circumstances of the encampment. After the initial visit relevant council services and partners including the local housing locality, Infrastructure, NHS Lanarkshire and Police Scotland will be advised of the intentions of those living there.

However, we may consider legal action to reclaim possession of the land in relevant circumstances, such as:

- the unauthorised site is in an unsuitable location (see para 5.3);
- there is an intolerable or statutory nuisance to the general public by reason of the size, location, nature or duration of a site;
- the site is preventing the use of the location for another purpose;

### **5.7 Unauthorised Encampments on Private Land**

If it has been reported that an unauthorised site has been established on private land, the Gypsy/Traveller Liaison Officer or other council official will visit the site to:

- Identify the needs of those living at the site and inform relevant agencies, such as NHS Lanarkshire, Police Scotland
- Provide appropriate advice to the land owner regarding legal options and awareness of Gypsy/Traveller culture
- Inform of any future visits, should they be required

## **6 Process**

The process for managing unauthorised encampments, can be found within Appendix 1. This also details the roles and responsibilities of all partners involved in managing this process.

## **7 Performance Monitoring**

Statistical information is collated on a quarterly basis, which helps to:

- monitor the levels of unauthorised encampments
- ensure appropriate referrals are made to partners to support Gypsy Travellers
- identify travel patterns of Gypsy Travellers
- determine the effectiveness of the policy in discouraging the use of unauthorised sites
- identify if there is a 'need' for suitable transient or permanent sites

Monitoring and gathering of statistical information is recorded and reported on every 6 months and shared with relevant partners at the Gypsy Travellers Strategic Liaison Group. A sub group, the Gypsy Travellers Operations Group, also meet every quarter to discuss any operational issues and where appropriate provide recommendations to the Strategic Group, in relation to service improvement. These groups are multi agency and represented by a variety of council officers and external partners, including:

- Housing
- Environmental Services

- Waste Management
- Legal Services
- Corporate (Equalities)
- Roads
- Planning
- Education
- Social Work Services
- Employability
- NHS Lanarkshire
- Police Scotland

### **Remit of the Gypsy/Travellers Strategic Liaison Group**

To have a strategic overview of issues, policy development and compliance for the Council in relation to the Gypsy Traveller population (transient) and to oversee the implementation of any key actions identified by the group.

Specific:

- To gather information in relation to housing need to help inform the housing need and demand assessment for accommodation and related housing services and the development of the Local Housing Strategy.
- To gather wider data, intelligence and information in relation to other needs, specifically health and educational needs of the Gypsy Traveller population to help improve access to services and inform the development of other Council and partner approaches to supporting Gypsy Travellers.
- To identify and progress any key actions required resulting from intelligence and data gathered.
- To monitor encampments across North Lanarkshire (number, frequency, type, advice/support provided, issues).
- To provide an overview of planning applications for Gypsy Travellers (note Planning have no specific obligation to monitor the outcome of applications approved).
- To monitor the number and outcome of CHR applications for Gypsy Travellers.
- To assess and monitor compliance of Council policy and procedure in relation to Scottish Government, EHRC and Scottish Housing Regulator guidance for Gypsy Traveller communities.
- To ensure Council policy and procedure is reviewed and updated where necessary to ensure compliance and best practice.
- To link with the Council's corporate Equalities Group in relation to developments and key issues to improve outcomes for Gypsy Travellers in North Lanarkshire.
- To explore methods of engagement with the Gypsy Traveller community to better understand needs and issues.
- To help generate a better wider understanding of the needs of Gypsy Travellers across Council and partner services to help eliminate discrimination, victimisation, harassment and foster better relationships between the Gypsy Traveller community and the settled community.