

ANGUS COUNCIL

COMMUNITIES COMMITTEE – 17 NOVEMBER 2015

POLICY FOR MANAGEMENT OF UNAUTHORISED ENCAMPMENTS OF GYPSIES/TRAVELLERS

REPORT BY STRATEGIC DIRECTOR - COMMUNITIES

ABSTRACT

This report proposes the adoption of the revised and updated policy and procedures for the management of unauthorised Gypsy/Traveller encampments in Angus.

1. RECOMMENDATIONS

It is recommended that the Committee:

- (i) approves the adoption of the revised and updated policy on the Management of Unauthorised Gypsy/Traveller Encampments (as contained in **Appendix 1**): and;
- (ii) agrees to its immediate implementation.

2. ALIGNMENT TO THE ANGUS COMMUNITY PLAN/SINGLE OUTCOME AGREEMENT/COPORATE PLAN

This report contributes to the following local outcomes contained within the Angus Community Plan and Single Outcome Agreement 2013-2016:

- Our communities are safe, secure and vibrant.
- Angus is good place to live in, work in and visit.

3. BACKGROUND

3.1 Reference is made to Report no 375/02 to the then Policy and Resources Committee of 19 March 2002, where elected members agreed a policy statement and procedures for dealing with unauthorised encamping in Angus, and a policy development statement.

3.2 Angus Council's policy statement of 2002 has not been updated during the intervening 13 years and this refresh takes into cognisance changes in approach to the management of unauthorised Gypsies/Travellers within this time period.

4. CURRENT POSITION

4.1 In year 2014, there were over forty separate unauthorised encampments of gypsies/travellers within the boundaries of Angus. Already by July 2015 the number stands at twenty-two. These encampments have varied in size, duration and impact on local and community life.

4.2 Whereas Angus has in the past attracted more traditional travellers, across Scotland there is a current upswing in what is being referred to as "economic travellers". Angus was exposed to these much larger groups in 2014 which resulted in major impact for the local communities and supporting agencies. As such, the Strategic Gypsies/Travellers Group agreed to a review of policy and procedures being undertaken which would outline directorate, business unit and agency responsibility in the management of unauthorised encampments of Gypsies/Travellers in Angus.

5. PROPOSALS

- 5.1 The policy proposes an updated approach to the consideration of legal action to remove an unauthorised encampment, predicated around the behaviour arising from an encampment and the impact on the surrounding community. This is in keeping with the Lord Advocate's guidance issued to Procurators Fiscal in 2004 which stated "*There is a presumption against prosecution in the public interest where the sole issue in relation to an encampment is the physical occupation of land by Gypsies/Travellers...*"
- 5.2 This document aims to give clear direction of the policy of Angus Council regarding unauthorised encampments of Gypsies/Travellers in Angus and the procedures to be followed by staff when responding to reports of these encampments. Highlighted will be the need for a clear policy and for procedural guidelines, the parties involved in this process, and it will clarify the different situations against which the policy and procedures will be applied.

6. FINANCIAL IMPLICATIONS

There are no financial implications arising from this report as the costs associated with any action taken under the terms of the policy will require to be contained within existing departmental budgets.

7. OTHER IMPLICATIONS

Equalities

The Equality Act 2010 (to which Angus Council must adhere) contains general equality duties for public bodies to, in the exercise of their functions, have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation.
- advance equality of opportunity between persons who share a relevant protected characteristic, and persons who do not share it.
- foster good relations between persons who share a relevant protected characteristic, and those who do not share it.

An Equalities Impact Assessment has been undertaken in the preparation of this report and policy.

CONSULTATION

The policy has been subject to consultation with the general public through the Angus Councils Have your Say website, Facebook and Twitter pages, local Community Councils and the local Gypsy/Traveller community. A video was produced aimed directly at the gypsy/traveller community and released via Angus Council social media platforms. There have been no negative responses received in specific reference to the policy and procedure.

The Chief Executive, Strategic Director – Resources, Strategic Director – People, Head of Legal & Democratic Services and Head of Corporate Improvement and Finance have all been consulted on the terms of this report.

NOTE: The following background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information), were relied on to any material extent in preparing this report:-

- Guidelines for Managing Unauthorised Camping by Gypsies/Travellers in Scotland (Scottish Executive 2004)
- Gypsy Travellers in Scotland – A Resource for the Media (Equality and Human Rights Commission)
- Caravan Sites and Control of Development Act 1960
- Angus Council Report 375/02 (Policy & Resources Committee 19 March 2002)

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List of Appendices:

Appendix 1 – Managing Unauthorised Encampments of Gypsy/Travellers (Policy and Procedures)