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**Report To:** Policy & Resources Committee      **Date:** 19<sup>th</sup> November 2013

**Report By:** Brian Moore  
Corporate Director  
Inverclyde Community Health &  
Care Partnership      **Report No:** CHCP/55/2013

**Contact Officer:** Susanna McCorry-Rice      **Contact No:** 715375  
Head of Mental Health,  
Addictions & Homelessness

**Subject:** GYPSY TRAVELLER CONSULTATION

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## 1.0 PURPOSE

- 1.1 The purpose of this report is to inform Committee of the outcome of the public consultation on the proposed transit site for Gypsy Travellers at Kelburn Park.

## 2.0 SUMMARY

- 2.1 Consultation commenced on 29<sup>th</sup> July through to 30<sup>th</sup> August, 2013.
- 2.2 Inverclyde CHCP launched the consultation proposal in the local media detailing options to participate in the process.
- 2.3 A survey was set up and drop-in sessions carried out in the local libraries.

## 3.0 RECOMMENDATIONS

It is recommended that:

- 3.1 The Committee note the findings of the consultation process.
- 3.2 The Committee note that Officers have not been able to identify any suitable alternative sites in addition to those already considered as part of the options appraisal process.
- 3.3 Committee do not approve the establishment of an authorised transit site for gypsy travellers in Kelburn Park or at any other Inverclyde site at this time in recognition of the outcome of the consultation process and 3.2 above.
- 3.4 Committee approve the revised policy and procedure for the management of unauthorised sites.
- 3.5 Committee agree that if the proposal of the transit site at Kelburn Park is not approved that the £50,000 previously agreed for the creation of the site be utilised to upgrade and improve Kelburn Park and other Council parks that have been adversely affected by unauthorised encampments in the recent past. Details of this proposal will be subject to a future report to the Environment and Regeneration Committee on 16<sup>th</sup> January 2014.

**Brian Moore**  
Corporate Director  
Inverclyde Community Health & Care  
Partnership

## **4.0 BACKGROUND**

- 4.1 The decision by Inverclyde Council to consider the establishment of a transit site (for short-term stays) for the Gypsy Travellers is in response to the need to have more robust management arrangements in place in relation to unauthorised Gypsy Travellers encampments in Inverclyde.
- 4.2 Historically the Gypsy Traveller Community visit Inverclyde every year. On average up to 10 caravans are parked in various locations, but primarily in the Kelburn/Parklea area for around 6 weeks at a time.
- 4.3 The Council has a duty to protect the ethnic identity and lifestyle preferences of the Gypsy Travellers who are a distinct ethnic group.
- 4.4 The equalities legislation dictates that all Local Authorities have a duty to ensure that the health and education needs of Gypsy Travellers are identified and provided for.
- 4.5 The Council has no automatic right to move Gypsy Travellers from an unauthorised site when there is no alternative provision for them. The existence of a transit site as proposed would allow Inverclyde Council to redirect the Gypsy Travellers to this alternative site. This approach would be a proportionate response to their needs and enable the Council to seek legal redress to direct Gypsy Travellers to this specific location. The site would have basic essential services such as toilets, running water and domestic rubbish collection.
- 4.6 The public consultation was set up to assess the public's view on the establishment of such a site.

## **5.0 CONSULTATION**

- 5.1 Inverclyde CHCP launched the consultation proposal in the local media detailing options to participate in the process.
- 5.2 Public consultation was carried out from 29<sup>th</sup> July through to 30<sup>th</sup> August, 2013 in the form of a survey available on the Council's web site and in hard copy at local libraries for the wider community consultation.
- 5.3 The public were asked to answer 7 questions on the location and the provision in general. See appendix A. Five drop-in information sharing sessions were held in Port Glasgow, Greenock and Gourock libraries.
- 5.4 The consultation received feedback from 840 people, in the form of returned surveys and petitions.
- 5.5 The outcome of the consultation indicates that the majority of those who participated were against a transit site for Gypsy Travellers in Inverclyde. See appendix B for the details.
- 5.6 Community Councils

All Inverclyde Community Councils were contacted to attend an information sharing session on the consultation on a Gypsy Traveller transit site in Kelburn Park. Three Community Councils representatives attended (seven people) in all from Greenock Centre Community Council; Port Glasgow East Community Council; Cardwell Bay & Greenock West Community Council. The conclusion was that the Community Councils would have liked more than one site option to be considered.

- 5.7 As part of the consultation a positive Gypsy Travellers awareness raising session was delivered to seven key representatives of the Port Glasgow East; Port Glasgow West; Cardwell Bay & Greenock West; Greenock Central West Community Councils.

Evaluation by Community Council of the session delivered by Gypsy Travellers and Council staff it was beneficial in understanding the wide ranging issues affecting the travelling community.

#### 5.8 Registers Social Landlords

A meeting of RSL's at the Inverclyde Housing Association Forum where River Clyde Homes, Cloch Housing Association, Oak Tree Housing Association and Larkfield Housing Association attended. There was broad agreement that a transit site would improve the management of the Travelling Community in Inverclyde.

#### 5.9 Churches

Contact was made with Wellpark Mid Kirk who agreed to receive the information on the consultation and undertook to circulate to the faith community. No direct feedback was received.

#### 5.10 Chamber of Commerce

The Chamber was emailed with all the consultation documentation, no feedback was received. Local businesses however did complete surveys.

#### 5.11 Gypsy Travellers

During the period of consultation there were two encampments in Inverclyde. Each encampment was visited and survey questionnaires completed to get their views on whether they would use a transit site, services and charges. It was confirmed by both traveller groups that they would use a transit site with basic facilities and were in agreement to paying a charge.

### **6.0 PROPOSALS**

6.1 The consultation gives emphasis for the need to review our current management arrangement for unauthorised encampments. Therefore attached is our revised policy and procedure to strengthen the management of unauthorised sites. It makes explicit what actions the Council will take for unauthorised encampments on park land, this will contribute to evidence for court action (Appendix C).

6.2 The policy now includes an information leaflet and code of conduct to be issued to each caravan on the establishment of an unauthorised site. This clearly sets out what is expected of the Travelling Community and what they can expect from the Inverclyde Council. This will help us to speed up the process for court action. Officers will continue to monitor the cost implications of undertaking repair and remedial works to unauthorised sites once vacated and are alert to the demands made of Council staff on completing this task.

6.3 The Park Management Rules which are currently under review will also strengthen the Council's position in relation to unauthorised encampments set up in public park land. Park rules provide an aid to Legal Services when action for recovery of possession of Council land is raised.

6.4 In recognition of the findings of the consultation process it is not deemed appropriate to establish the transit site at Kelburn and if Committee support this way forward, then the £50,000 proposed one off cost should instead be used to upgrade and improve Kelburn Park and other Council parks that have been adversely affected by unauthorised encampments in the recent past. Details of the proposals will be subject to a future report to the Environment and Regeneration Committee of 16<sup>th</sup> January 2014.

6.5 The above policy and management arrangements will be reviewed as required in event of any changes to Scottish Government policy and guidance regarding gypsy travellers.

## 7.0 IMPLICATIONS

- 7.1 Legal: Legal Service have been consulted are represented on the Working Group.
- 7.2 Finance: The £50,000 that has primarily been approved for the provision of a transit site to be used to upgrade and improve security in public open spaces /parks.

Cost Centre	Budget Heading	Budget Year	Proposed Spend this Report	Virement From	Other Comments
TBC	TBC	14/15	£50,000		For improved security in public parks

- 7.3 Personnel: No implications.
- 7.4 Equalities: The Local Authority has a responsibility to ensure a proportionate response to Gypsy Traveller as a distinct ethnic group.
- 7.5 Repopulation: Not applicable.

## 8.0 CONCLUSION

- 8.1 It is clear that there is a very significant depth of feeling and resistance within sections of the community towards the establishment of a gypsy travellers' transit site. These polarised views were expressed throughout the consultation process. However, some people and businesses in the community recognise the need and acknowledge the potential benefits of having a transit site but in the significant majority of cases did not wish to have a site located close to where they lived or worked.
- 8.2 During the consultation process Officers were asked to identify additional suitable alternative sites over and above those sites already considered as part of the options appraisal process. No alternative suitable sites have been identified by officers or suggested by others.
- 8.3 Unbudgeted costs are invariably incurred by the Council at unauthorised sites to effect repairs and clear up waste and dumped materials. The Corporate Management Team fundamentally believes that the Council should, if at all possible, provide a transit site for Gypsy Travellers. However, after due consideration of the findings of the consultation process and in the absence of a suitable site at present, the Corporate Management Team believe that it would not be sensible to set up a transit at this time.

## 9.0 CONSULTATION

- 9.1 Report attached.

## 10.0 LIST OF BACKGROUND PAPERS

- 10.1 Policy and Resources Committee report May 2013.

Inverclyde Council, at a recent meeting of the Policy and Resources Committee, approved the consultation on the possible development of a short term stay site for travelling people. The recommended site under consideration is Kelburn Park which was selected as being the most appropriate because of its distance from settled community housing; suitability for installing basic facilities and its historical connection with the travelling community.

This consultation is aimed at gathering the views of the residents of Inverclyde about the proposal. Further information is available at local libraries with access to plans of the proposed site.

Your assistance is very much appreciated and if you care to add your name and address at the end of this questionnaire we will be happy to advise you on the results of the consultation.

Q 1. The Council proposes to locate the site at Kelburn Park due to its secluded location; proximity to facilities and the historical connection to this area for the travelling community.

Do you agree with the chosen location?

- Strongly Agree
- Agree
- Disagree
- Strongly Disagree

Q 2. Do you agree with the proposal to identify a transit site to avoid illegal encampments at other sites?

- Strongly Agree
- Agree
- Disagree
- Strongly Disagree

Q 3. Do you agree with the proposal to create a transit site as opposed to a permanent site?

- Strongly Agree
- Agree
- Disagree
- Strongly Disagree

Q 4. The proposal suggests that the site has sufficient pitches for a maximum of 12 caravans at a time. Do you think this a reasonable size?

- Strongly Agree
- Agree
- Disagree
- Strongly Disagree

Q 5. A transit site could only be used by individuals/families up to 6 weeks. Do you think this is a reasonable amount of time for people to camp?

- Yes - Agree
- No – Too Long
- No – Too Short

Q 6. The Council plans to introduce a Charging Policy for use of the site and its facilities at a rate of £5 per night. Do you agree with this?

- Yes
- No – Higher Charge
- No – No Charge

Q 7. The Council intends to provide basic facilities at the Campsite, which include portaloos as required; stand pipe for drinking water; domestic waste removal. Do you think this is a reasonable provision for the site?

- Strongly Agree
- Agree
- Disagree
- Strongly Disagree

Q 8. Any other comments you wish to add?



Q 9. If you would like to leave contact details for further feedback please do so below:

Name: .....

Address: .....

.....

.....

Postcode: .....

All paper copies of this consultation should be returned to:

Planning & Performance Team  
Kirn House  
Ravensraig Hospital  
PA16 9HA

**The Gypsy/Traveller People Proposed Site Consultation**

**Draft Interim Report**

**10<sup>th</sup> October 2013**

**1.0 Consultation Process/Timeline**

- The Short Life Working Group established a timeline for the Consultation Process which began in July and ran for a 5 week period until August 30<sup>th</sup>
- The results of the Consultation were then analysed and considered by the Group mid September.

**1.1 Methods employed in the Consultation Process**

The Consultation process was promoted on the Council's website, through the local press and through the community, voluntary, business and church networks.

A variety of methods were used including the following:-

- A questionnaire around the proposal was made available online from the Council's website and hard (paper) copies were also available from Council offices and libraries.
- Key facts around the proposal were made available on a fact sheet, which accompanied the questionnaire, as well as, a myth buster to dispel some of the misconceptions that people often have about the culture of the Gypsy/Traveler community.
- Copies of the site plans, questionnaires, fact sheets and myth busters were also made available in public libraries in Kilmacolm, Port Glasgow, Greenock Central and South West, Gourock and Inverkip.
- Participants were able to deposit questionnaires/comments in the Ballot Box provided in libraries or return to the advertised central council office.
- Information sessions with held in libraries in Port Glasgow, Greenock and Gourock, where members of the public could drop in and meet with members of the Working Group and discuss the plans and discuss any concerns face to face. 5 sessions were held which were attended by over 100 members of the public.
- A meeting was held with representatives of the Community Councils in the area at the beginning of the Consultation process. This proved to be a constructive discussion and where agreement was reached about the need to work in partnership to try and reach an amicable solution to these issues.
- Representation was made to the Inverclyde Housing Association Forum who broadly supported the proposal.
- Contact was made with the local churches via Wellpark Mid Kirk.
- The chamber of commerce were contacted by e-mail and advise how to

participate in the process

## **2.0 Analysis of feedback**

A quantitative analysis of the questionnaire was compiled through Survey Monkey around each of the 7 key questions. In addition to receiving 3 separate petitions, there were several open/free text comments, which have been analysed separately and grouped into similar themes alongside the emails, phone calls and comments received by both Councillors and officials.

### **2.1. Petitions**

Three separate petitions were received by the Council in respect of the proposal. These were as follows:-

- **Port Glasgow Residents AGAINST Inverclyde Council's proposal to designate Kelburn Park/Parklea as an official travellers site.  
940 names**
- **We, as residents of Port Glasgow ,DO NOT WANT a travellers site in Port Glasgow  
68 names**
- **Inverclyde Council: No public funded travellers site in Inverclyde  
500 names**

### **3.0 Key themes from open/free text comments**

Analysis of free text comments were noted individually and grouped under themes. These themes were based on the content of open comments made in questionnaires and telephone calls/emails and letters to Councillors and officers.

The key themes which emerged were:-

- Opposition to the proposed site in Kelburn Park
- Rejection of any site in Inverclyde
- Size of camp/length of stay/provision of facilities
- Introduction of charging/collection of payment and non payment
- Proposed use of Public Money on site and annual running costs of site
- Concerns around the Consultation Process
- Lack of Information about other sites
- Management of Unauthorized sites.

### **4.0 Views of the Gypsy/Traveller Community**

Opinions were collated from the traveller community, as there were 2 camps in the area during the Consultation period. Overall the community welcomed the proposal and summary of their feedback is captured below.

- Members of the traveller community welcomed the proposal to establish a transit site in Inverclyde and stated that they would be happy to use it.
- It was suggested that the site should be available all year round for different groups of travellers passing through the area.
- Some travellers expressed the need for a mix of transit and permanent pitches on the site.
- Members of the traveller community were satisfied with the proposed site, because of their historical link with the area.
- Respondents were happy with the suggested £5 per night charge.
- Respondents were also happy with the proposed facilities and suggested that provision of waste skips would also be useful.

## **5.0 Meeting with representatives of the Community Councils**

A meeting was held with representatives of 4 Community Councils in the area to explain the background to the Consultation. Officers were able to explain the background to the proposal, share information about the site plans, advice on the other sites under consideration and the criteria upon which the selection was made.

Community Councillors acknowledged that the traveller community did require to have a designated site, but that they felt Kelburn Park was not appropriate. There was also agreement expressed that it was in everyone's interest to work together with the Council in finding a suitable solution to the issue.

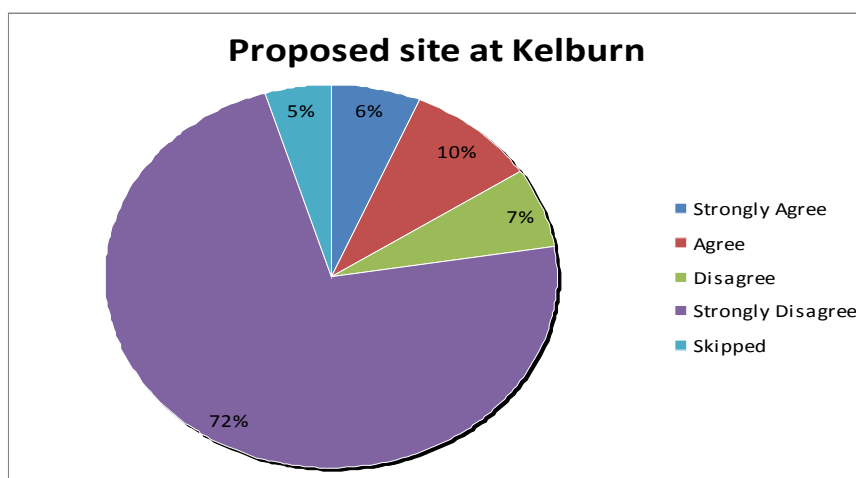
In addition, representatives responded positively to the opportunity to participate in future awareness raising sessions with officers around the Gypsy /Traveller Community in order to further develop a shared understanding between the settled and traveller community in Inverclyde.

## **6.0 Conclusions**

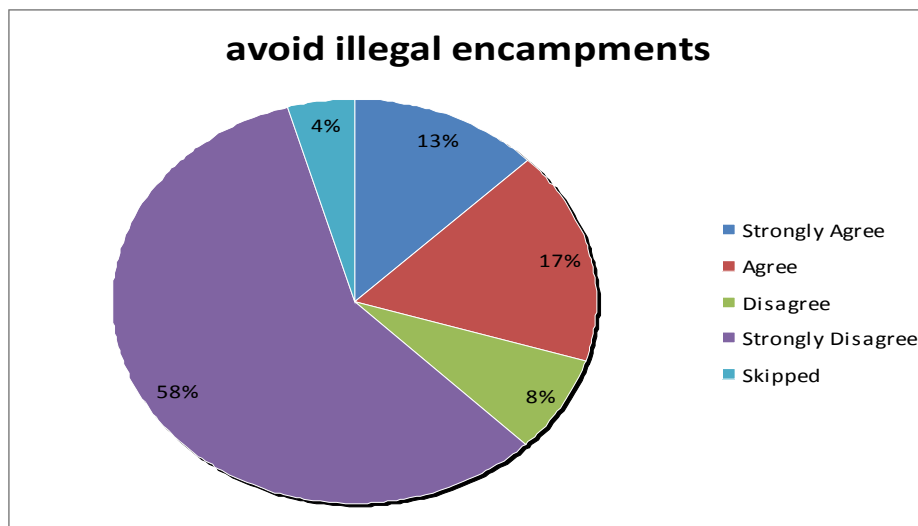
- 840 people participated in the survey process of which 668 either strongly disagreed or disagreed with the proposal of the Kelburn site.
- 554 of the 840 people of participated disagreed or strongly disagreed with the establishment of any form of provision for the Gypsy Travellers.

## Appendix 1

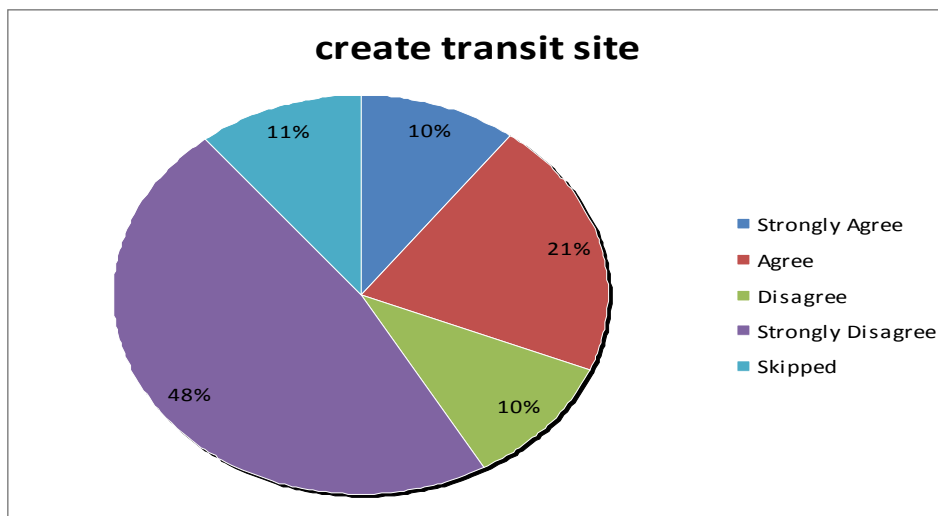
Question	Answer	Paper Copies	Survey Monkey	TOTAL
The Council proposes to locate the site at Kelburn Park due to its secluded location; proximity to facilities and the historical connection to this area for the travelling community Do you agree with the chosen location?				
1	Strongly Agree	21	32	53
1	Agree	23	57	80
1	Disagree	19	37	56
1	Strongly Disagree	145	467	612
1	Skipped	27	12	39
	<b>Grand Total</b>	<b>235</b>	<b>605</b>	<b>840</b>



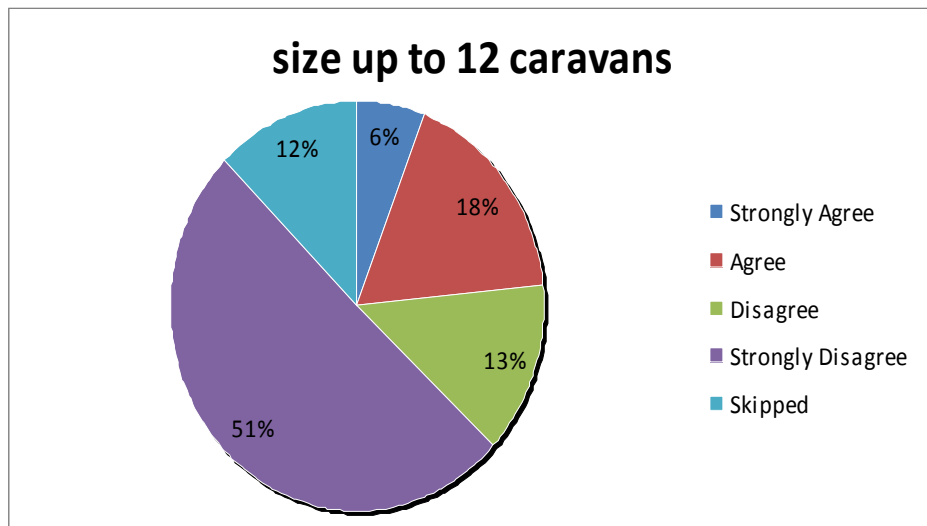
Question	Answer	Paper Copies	Survey Monkey	TOTAL
<b>Q2</b> Do you agree with the proposal to identify a transit site to avoid illegal encampments at other sites?				
2	Strongly Agree	37	71	108
2	Agree	44	97	141
2	Disagree	21	44	65
2	Strongly Disagree	107	382	489
2	Skipped	26	11	37
	<b>Grand Total</b>	<b>235</b>	<b>605</b>	<b>840</b>



Question	Answer	Paper Copies	Survey Monkey	TOTAL
Q3 Do you agree with the proposal to create a transit site as opposed to a permanent site?				
3	Strongly Agree	32	55	87
3	Agree	44	130	174
3	Disagree	22	66	88
3	Strongly Disagree	98	301	399
3	Skipped	39	53	92
	<b>Grand Total</b>	<b>235</b>	<b>605</b>	<b>840</b>

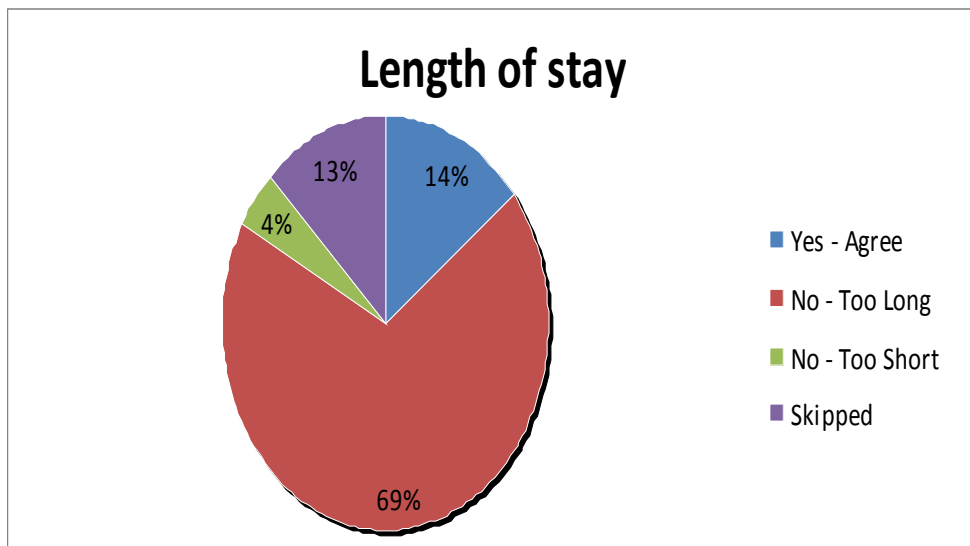


Question	Answer	Paper Copies	Survey Monkey	TOTAL
Q4 The proposal suggest that the site has sufficient pitches for a maximum of 12 caravans at a time. Do you think this is a reasonable size?				
4	Strongly Agree	17	33	50
4	Agree	43	104	147
4	Disagree	30	83	113
4	Strongly Disagree	101	325	426
4	Skipped	44	60	104
	<b>Grand Total</b>	<b>235</b>	<b>605</b>	<b>840</b>

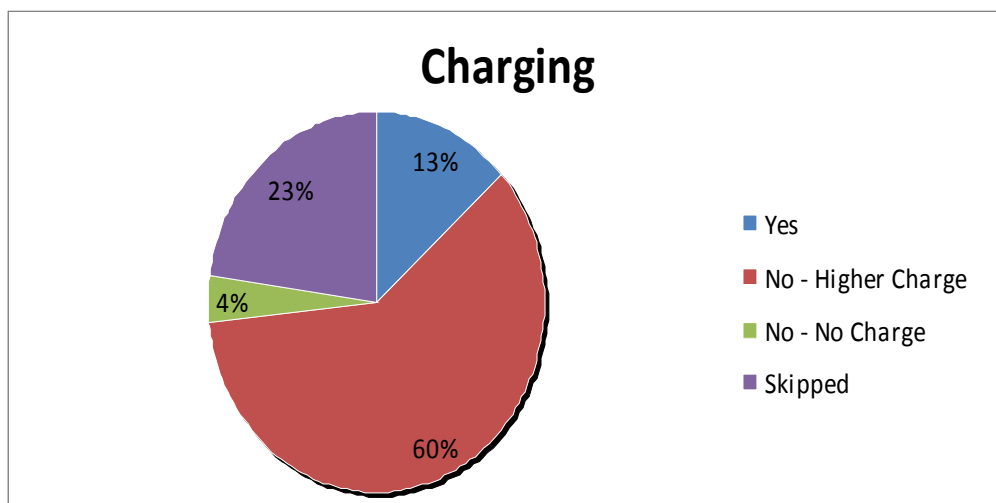




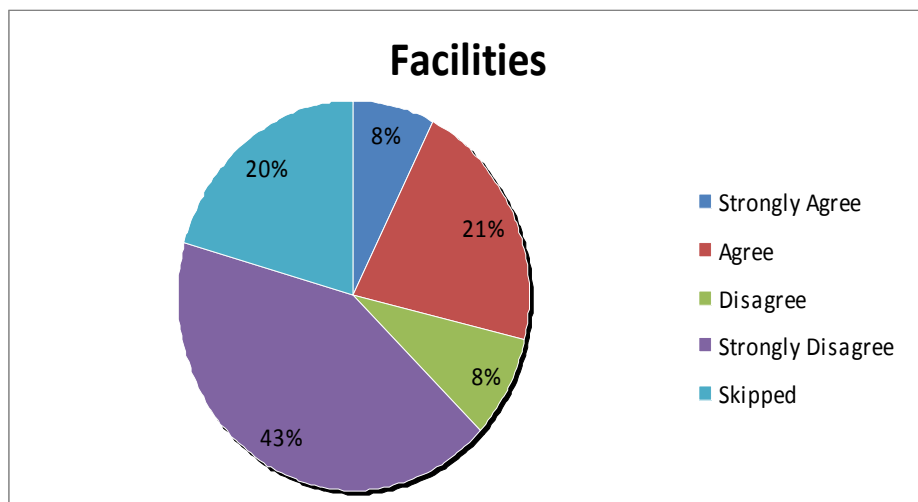
Question	Answer	Paper Copies	Survey Monkey	TOTAL
<b>Q.5</b> A transit site could only be used by individuals/families up to 6 weeks at a time Do you think this is a reasonable amount of time for people to camp?				
5	Yes - Agree	39	82	121
5	No - Too Long	133	444	577
5	No - Too Short	11	25	36
5	Skipped	52	54	106
	<b>Grand Total</b>	<b>235</b>	<b>605</b>	<b>840</b>



Question	Answer	How Many	Survey Monkey	TOTAL
<b>Q.6</b> The Council plans to introduce a Charging Policy for use of the site and its facilities at a rate of £5 per night. Do you agree with this?				
6	Yes	55	57	112
6	No - Higher Charge	115	390	505
6	No - No Charge	10	21	31
6	Skipped	55	137	192
	<b>Grand Total</b>	<b>235</b>	<b>605</b>	<b>840</b>



Question	Answer	Paper Copies	Survey Monkey	TOTAL
The Council intends to provide basic facilities at the Campsite which include portable toilets as required; stand pipe for drinking water; domestic waste removal. Do you think this is a reasonable provision for the site?				
7	Strongly Agree	24	40	64
7	Agree	57	120	177
7	Disagree	21	50	71
7	Strongly Disagree	88	268	356
7	Skipped	45	127	172
	<b>Grand Total</b>	<b>235</b>	<b>605</b>	<b>840</b>



## APPENDIX C

**DRAFT**



# **Policy and Procedural Guidelines on the Management of Unauthorised Encampments by Gypsies/Travellers in Inverclyde**

October 13

## **CONTENTS**

- 1. Introduction**
- 2. Background**
- 3. Context**
- 4. Transit site management**
- 5. Establishment of Encampment**
- 6. Legislative context**
- 7. Procedural guidance on Gypsy/Travellers Encampment**

## **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 the Inverclyde Community & Health Partnership (ICHCP) and Police Scotland, 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 Gypsies/Travellers encampments are reached in the acknowledgement of the unique circumstances surrounding each encampment.

1.3 The Council's response to all Gypsies/Travellers encampments, will consider the social, health, welfare and educational needs of both the Gypsies/Travellers 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 Inverclyde Community & Health Care Partnership (ICHCP), principally with the Service Manager (Homelessness).

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.\*

\* <http://www.scotland.gov.uk/Publications/2004/12/20417/48825>

### **3. Context**

3.1 This policy emphasises Inverclyde Council and ICHCP's ongoing commitment to equality and diversity, in conjunction with our partners in the Police Services. This policy fully recognises the rights and responsibilities of the Gypsies/Travellers community, and the rights of all residents of Inverclyde to enjoy equity of access to services provided, regardless of background, and to do so in an atmosphere free from prejudice and discrimination.

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

3.3 Inverclyde Council believes that the effective management of services to Gypsies/Travellers and the response to encampments can only be achieved by effective joint-working with partner agencies, the broader community and Gypsies/Travellers themselves.

### **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).

4.2 When an unauthorised encampment has been identified Inverclyde Council and Inverclyde CHCP will be active in offering advice and practical support on issues such as waste disposal, site hygiene, social care, and educational support. We will also offer advice and interventions on issues such as road traffic legislation, anti-social behaviour, and other areas of environmental and common law in conjunction with Police Scotland.

### **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 the 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 The Environmental Protection Act 1990 empowers authorised officers of the Council to regulate and to take enforcement action on unsatisfactory site conditions regarding waste management, fly tipping and the existence of Statutory Nuisance in particularly for insanitary conditions on the site. Officers will advise the site users of their responsibilities regarding these conditions. Failure to deal with unsatisfactory conditions will be addressed using enforcement powers available.

5.5 The Scottish Government's policy approaches to delivering education recognises the specific needs of children and young people within the Gypsies/Travellers community, and has provided guidance to support education authorities, schools and support services in delivering education for Gypsies/Travellers children to encourage inclusive practices. Education authorities have a responsibility to assist parents in the provision of education and do so largely by providing education in schools. Whilst a Gypsies/Travellers child's access to education is a right this may involve going to school, although an education authority's interpretation of any legal requirement for children is the area that allows for some flexibility.

The relevant legislation and guidance is outlined as follows:

- Section 2 of the Standard in Scotland's Schools etc Act 2000
- Education (Additional Support for Learning) Acts 2004 and 2009
- Inclusive Educational Approaches for Scotland's Travelling Communities within the context of interrupted learning 2<sup>nd</sup> Edition – Learning Teaching Scotland 2011

Under Section 2 of the Standard in Scotland's Schools etc Act 2000 places a clear duty upon education authorities to have regard for a child's right to a 'school education'.

The Education (Additional Support for Learning) Acts 2004 and 2009 also signal that educators must seek out the views of a child or young person and bring those views into decision-making. The Acts also emphasise the importance of giving a voice to children and their parents in identifying



individual learning needs. Gypsies/Travellers parents have a responsibility to ensure that their child has an education; however, a Traveller child's entitlement to a school education is not affected by their family's mobility. Thus, Inverclyde Education Services will aim to provide information, advice and support regarding educational matters for Gypsies/Travellers on visits to sites.

5.6 Results of a survey carried out by the Department of Health in 2004 showed that Gypsy Travellers have significantly poorer health than other English speaking ethnic minorities and economically disadvantaged white UK residents. For Gypsy Travellers, living in a house is associated with long term illness, poorer health state and anxiety. Those who rarely travel have the poorest health. This study also showed an inverse relationship between health needs of Gypsy Travellers and their use of health services. ([The Health Status of Gypsies & Travellers in England, Department of Health 2004](#))

It is the responsibility of all NHS Greater Glasgow and Clyde staff to ensure that everyone who uses the health service or works for us is treated fairly. Equalities legislation has been enacted by the Government to ensure that public organisations promote equality and remove discrimination in the delivery of all their functions.

In order that NHS Greater Glasgow and Clyde is supported to tackle inequality, the Corporate Inequalities Team was set up to:

- Implement the Equality Scheme Action Plan 2010-13 to promote equality and remove discrimination
- Ensure that NHSGGC plans and services are developed in a way which will tackle the health gap
- Work with practitioners to develop [inequalities sensitive practice](#) e.g. routine and sensitive enquiry on gender based violence, financial inclusion, employability and other social issues
- Ensure that NHSGGC meets the needs of [marginalised groups](#) who face additional discrimination and prejudice.

5.7 In general, access to Social Work services are governed by the Social Work (Scotland) Act 1968, and subsequent legislation for various client groups including children, families, vulnerable adults and older people. On the initial visit to unauthorised encampments, staff from Homelessness Services will outline to Gypsies/Travellers' households the availability of social work services, carry out a basic assessment of any requirements, and make referrals to relevant social work teams as required.

5.8 Officers of Inverclyde Council, Inverclyde CHCP and the 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 Gypsies/Travellers Unauthorised Encampments**

6.1 Due to the issues which may arise there is a need for an oversight of the establishment of an encampment which incorporates a multi-agency approach. To this end it has been agreed that such cases be referred to the Service Manager (Homelessness).

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

6.3 The Service Manager (Homelessness 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 Community Wardens. This visit will constitute a site assessment, which will ascertain the number of vehicles onsite, and other basic relevant information on households, inclusive of number of children residing onsite where applicable. During this visit images of the camp, details of vehicles using the camp and the condition of the site will be recorded.
- Community Wardens will attempt to identify a spokesperson or representative of the group to advise on the recording of images and the reason for doing so. Community Wardens will answer any queries that arise as a result of the visit. Daily visits thereafter will be undertaken by the mobile CCTV van with a view to keeping recorded images of the conditions of the site, the vehicles that continue to use

the site and to evidence any illegal dumping or damage on or to the site.

- All images shall be stored in accordance with the Data Protection Act 1998. Any evidence gathered may be used as evidence in subsequent criminal or civil court action.
- A record of the site visit will be drawn up and copies passed to Service Manager (Homelessness) and Team Leader, Social Protection, for information.
- A follow-up joint site visit will then be carried out by the Team Leader, Social Protection, and the Police Scotlands Local Authority Liaison Officer, who will engage in direct discussion with the members of the encampment, and seek to obtain additional information in terms of intended length of stay, and will outline to members of the encampment their responsibilities in terms of environmental protection and waste disposal. The information leaflet incorporating the code of conduct will be issued to each van on the site in the course of this visit.
- The follow-up 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.
- On completion of the joint site visit, the Team Leader, Social Protection, will complete a Gypsies/Travellers Liaison Record, a copy of which should be sent to the Service Manager (Homelessness), with the original copy being held by the Police.
- Officers involved in the site assessment will inform the Gypsies/Travellers' households on-site that a referral will be made for subsequent visits to be carried out in order to assess any input required from health, social work and education services.
- The Service Manager (Homelessness) will arrange for such visits 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 (Homelessness). Any required services will be offered and provided through normal working arrangements by the services involved.
- The Service Manager (Homelessness) will decide whether the establishment of the encampment requires convening where necessary, a meeting of the Gypsies/Travellers Working Group. The Group will comprise of representation from Community Safety & Wellbeing, Education Services, Inverclyde CHCP, and the Police. This

will provide a platform to discuss any issues arising, and facilitate any further appropriate services or required interventions.

- If the unauthorised encampment is set up in a Public park the group will consider the park management rules. If the encampment is in breach of these rules appropriate action will be taken.
- The Group will decide on the frequency of meetings while the Travellers are in situ to monitor service provision to the site, make appropriate decisions for any required additional action, and will set timescales as to reasonable duration of time an unauthorised encampment may be allowed to remain on any particular site. The Group, as directed by the Service Manager (Homelessness), may draw up specific guidelines on timescales which reflect reasonable and realistic pressures on land use and the availability of alternative sites to which Gypsies/Travellers can be directed.
- Inverclyde Council reserves the right to seek legal remedy to pursue the clearance of any site which is deemed unsuitable, or has in the view of the Gypsies/Travellers Working Group, been in situ for an unsustainable period of time.
- All official correspondence with members of an unauthorised encampment should be co-ordinated by the Service Manager (Homelessness) and should take full account of the views expressed within the Gypsies/Travellers Working 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.



**INVERCLYDE COUNCIL**  
**GYPSIES / TRAVELLERS**  
**UNAUTHORISED ENCAMPMENT**  
**CODE OF CONDUCT**

**NOVEMBER 2013**

## GYPSIES / TRAVELLERS CODE OF CONDUCT

Gypsies / Travellers who are found to have formed an unauthorised encampment on Council land:

Will be provided with the code of conduct during the first visit to said camp by officers of the Council.

### Members of the unauthorised encampment while on site MUST:

- Keep the site and surrounding area clean, tidy and free from damage.
- Ensure that trade waste is disposed of properly. (Must have waste disposal certificates.)
- Keep the same standard of behaviour that is expected of the settled community. This includes, but is not restricted to, adherence to all criminal, civil and road traffic laws.
- Observe and adhere to Inverclyde Council's park management rules relating to public parks and parkland.
- Keep all pets / animals under strict control.

## USEFUL CONTACT TELEPHONE NUMBERS

### Police Scotland Greenock

Contact Telephone Number: **101**

You should continue to call **999** in an emergency.

### Inverclyde Council:

(For all services including Education, Community Health & Care Partnership, Environmental Health, Waste Services etc)

Contact Telephone Number: **01475 717171**

### Hospital:

Inverclyde Royal Hospital (A&E)  
Larkfield Road Greenock PA16 0XN

Contact Telephone Number: **01475 633777**

Call NHS 24 on **08454 242424**

During the initial visit, images of the camp, details of the vehicles using the camp and the condition of the site shall be recorded. Community Wardens shall attempt to identify a spokesperson or representative of the group to advise on the recording of images and the reasons for doing so. Community Wardens shall answer any queries that arise as a result of the visit. Daily visits to the camp shall thereafter be undertaken by the mobile CCTV van with a view to keeping recorded images of the condition of the site, the vehicles that continue to use the site and to evidence any illegal dumping or damage on or to the site.

All images shall be stored in accordance with the Data Protection Act 1998. Any evidence gathered may be used as evidence in subsequent criminal or civil court action that may follow thereon.

Should any fly-tipping, litter or damage be found deposited within the unauthorised encampment, the cost of removal or repairs will be subject of invoice to those having used the camp.

- **Respect the rights of other people who may be found in and around the area of the unauthorised encampment.**
- **Leave the site in a clean and tidy condition.**

**Members of unauthorised encampments MUST not:**

- **Dump or tip rubbish, waste materials or trade waste, such as tree cuttings and rubble within the confines of the encampment.**
- **Cause any nuisance to neighbours or damage any property.**
- **Light any fires in or around the encampment.**
- **Deposit or leave human waste in public areas.**
- **Drive vehicles along any footpath or rights of way not specifically designed for road vehicles.**
- **Make excessive noise or indulge in other forms of antisocial behaviour.**
- **Abuse, intimidate or harass any person who is lawfully using or working in the area.**
- **Drive commercial vehicles onto any surface not intended for the use of road vehicles.**
- **Carry on business activities on any public land without prior permission of the Council.**

## **FURTHER INFORMATION**

Inverclyde Council has no current official site provision for Gypsies / Travellers. This being the case, Inverclyde Council fully recognises the Scottish Government Guidelines for managing unauthorised encampments by Gypsies / Travellers.

Inverclyde Council and our Multi-Agency Partners will at all times adopt an approach of co-operation and assistance in response to unauthorised encampments, to ensure the rights of Gypsies / Travellers and those in the broader community are mutually respected.

Inverclyde Council believes that effective management of services to Gypsies / Travellers and the response to unauthorised encampments can only be achieved by effective joint working with multi-agency partners, the broader community and the Gypsies/Travellers themselves.

When an unauthorised encampment has been identified, Inverclyde Council and Inverclyde CHCP will be active in offering advice and practical support on issues such as waste disposal, site hygiene, social care and educational support. The Council will also offer advice and interventions on issues such as road traffic legislation, anti-social behaviour, and other areas of environmental and common law in conjunction with our Police Scotland partners.

That said, Gypsies / Travellers who form part of an unauthorised encampment on public land will be **advised when Inverclyde Council intends to commence legal proceedings to obtain a Court Order authorising their removal from said land**

The Environmental Protection Act 1990 empowers authorised officers of the Council to regulate and to take enforcement action on unsatisfactory site conditions regarding waste management, fly-tipping, and the existence of Statutory Nuisance in particular for insanitary conditions on the site. Officers will advise the site users of their responsibilities regarding these conditions. Failure to deal with unsatisfactory conditions will be addressed using enforcement powers available.

Officers of Inverclyde Council, Inverclyde CHCP and Police Scotland, 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.

Inverclyde Council's Community Warden Service will be responsible for visiting the unauthorised encampment as soon as possible after receiving information that such an encampment has been established on Council land. This visit will include the use of a mobile CCTV van.