

REPORT TO: Housing Committee

**REPORT ON: Travelling People (Unauthorised Encampments)
Protocol Between Dundee City Council and Tayside Police**

REPORT BY: Director of Housing

REPORT NO.: 470-2001

1. PURPOSE

- 1.1. This report seeks approval to enter into a formal protocol with Tayside Police in terms of Appendix 1.

2. RECOMMENDATIONS

- 2.1. It is recommended that the Director of Housing is instructed to liaise with appropriate Chief Officers and Tayside Police to facilitate the production of a signed, formal protocol between Dundee City Council and Tayside Police in response to unauthorised encampments.

3. FINANCIAL IMPLICATIONS

- 3.1. Dundee City Council already has a procedure for dealing with unauthorised encampments, which is funded from existing budgets. No additional finance will be required as a result of this report.

4. EQUAL OPPORTUNITIES IMPLICATIONS

- 4.1. This report aims to minimise conflict between travellers and the settled community. It falls within the Council's commitment to combat the effects of current and past discrimination experienced by groups on the basis of race.

5. LOCAL AGENDA 21 ISSUES

- 5.1. This report helps ensure that access to facilities is not achieved at the expense of the environment, that health is protected by creating safe, calm, pleasant environments and people live without fear of personal violence from crime or because of their personal beliefs or race.

6. BACKGROUND

- 6.1. In its final report the Advisory Committee on Scotland's Travelling People recommended that all local authorities should agree procedures with local Police Forces to deal with unauthorised traveller encampments. This has been reinforced in a Scottish Executive circular dated November 2000.

6.2. A meeting has been held between Officers from Housing, Economic Development, Planning and Transportation, Support Services and Tayside Police. The draft protocol contained in Appendix 1 has been agreed as an appropriate response to the Scottish Executive requirements in the light of Dundee's tightly drawn boundaries and lack of open space within the City.

7. **CONSULTATION**

7.1. The Chief Executive, Director of Economic Development, Director of Planning and Transportation and Director of Support Services have been consulted in the preparation of this report.

8. **BACKGROUND PAPERS**

- a. Advisory Committee on Scotland's Travelling People Ninth Term Report.
November 2000
- b. Scottish Executive Circular – Scotland's Travelling People.
November 2000

ELAINE ZWIRLEIN
DIRECTOR OF HOUSING

Date: _____

Signed: _____

SCOTLAND'S TRAVELLING PEOPLE – PROTOCOL ON RESPONDING TO UNAUTHORISED ENCAMPMENTS

1. INTRODUCTION

- 1.1. This protocol between Dundee City Council and Tayside Police has been agreed in response to Scottish Executive changes to policies and procedures for dealing with unauthorised Travellers' encampments.
- 1.2. Prior to 2000, the identification of the needs of Travellers and the provision of advice and support to local authorities was the responsibility of the Advisory Committee on Scotland's Travelling People, set up in 1971 at the same time as the introduction of a Development Department Grant Scheme to enable authorities to build sites for Travellers.
- 1.3. One of the Committee's main functions has been to advise Scottish Ministers on the provision of pitches for Travellers and to encourage local authorities to use the grant scheme to meet their targets. These pitch targets have also been linked to the policy of toleration and non-harassment of Travellers which applies to unlawful encampments. In 1997, the grant scheme which has resulted in the creation of over 30 sites for Travellers, was wound up.
- 1.4. In what was its final term of office, 1998-99, the Committee considered the future of pitch targets in the absence of grants and the policy of toleration and non-harassment of Travellers. It concluded that while these may have been useful in encouraging site development, they should now be discontinued. At the same time it recognised the need for replacing them with alternative proposals.

2. CURRENT POSITION

- 2.1. In its ninth term and final report the Committee has recommended that all local authorities should agree procedures with local Police forces to deal with unauthorised encampments. It also provided detailed guidance on this which is reinforced in a Scottish Executive circular of November 2000.
- 2.2. The Crown Office has advised Procurators Fiscal that in future there will be a presumption against the prosecution of Travellers for unlawful encampment. Discretion in relation to prosecution has been left with Procurators Fiscal and appropriate guidance has been issued.
- 2.3. Local authorities are advised that they retain local discretion on eviction but that this must be handled in a compassionate way. However, eviction should be considered where there is anti-social or criminal behaviour.

3. DUNDEE SITUATION

- 3.1. In 1992, Dundee District Council opened a permanent site for Travellers at Balmuir Wood near Tealing. Following Local Government Re-organisation, this is now situated in Angus but continues to be managed by Dundee City Council, under an agreement between the two Councils.
- 3.2. Dundee's boundaries are drawn extremely tightly with very little green belt falling within the City limits. As a consequence, the scope for unauthorised encampments which do not impinge on the settled community is severely circumscribed.

- 3.3. Currently, when an unauthorised encampment is discovered on Council property of land, it falls to the Economic Development Department to notify Support Services, who will submit a formal complaint to the Chief Constable. Economic Development will then visit the Traveller(s), accompanied by Police, when a 24-hour notice to remove from the site will be served. The Housing Department should also be involved at this stage to advise on the site at Balmuir Wood.
- 3.4. Should the Traveller(s) express an interest in Balmuir Wood, then Housing will check immediately on their suitability, both with internal records and through other Travelling site managers/councils.
- 3.5. If the Traveller(s) fails to move on within 24 hours, the Police will return and caution or charge them. In the event that there is no charge or arrest, the Traveller(s) will be left on the site, and subject to monitoring by Economic Development.

4. **FUTURE RESPONSES**

- 4.1. The procedures in operation to date have worked well. They are responsive to the particular circumstances prevailing in Dundee with its heavily built up environment and its lack of open space suitable for unlawful encampments.
- 4.2. The permanent site at Balmuir Wood provides mainly medium to long term lets but is capable of providing temporary stopping facilities if required. Advice and assistance on benefits and services is provided.
- 4.3. The Travelling Person Liaison Officer participates in the Scottish Site Manager's Group which facilitates the exchange of information on traveller movements, individual case histories and management best practice.
- 4.4. The parties to this protocol believe that the existing policies, which have worked well in the past, and the existence of the site at Balmuir Wood, will allow them to address the new objectives of the Scottish Executive. They also facilitate a response to the needs of Travellers and the settled community. The parties, therefore, agree to continue with existing practice.