1. PURPOSE OF REPORT

At the Council meeting of 30 June 2010, Councillor Neil Cooney raised the following motion;

“That this Council recognises the need to respond to the unacceptable situation facing Aberdeen’s citizens in terms of unauthorised Travellers sites. Instructs officers to contact other Local Authorities to seek ideas for better management asks for a report on the measures needed to secure areas subjected to regular unauthorised encampments and asks Council to issue a statement guaranteeing that all of Aberdeen's citizens have equal rights with Travellers of whatever ethnic group.”

Council remitted the report to the Housing and Environment Committee which met on 24 August 2010 and members agreed to a report to this cycle containing the following details;

(i) How other local authorities deal with similar issues; and
(ii) The costs associated with unauthorised Traveller sites including site clear up costs and legal costs

This report provides an overview of this year’s activity to date and includes details of costs as instructed in part ii) of the motion. It summarises the wide ranging work that has gone on through various internal and external groups. The report takes stock of the current position regarding the shortage of site provision and outlines the case for resurrecting previous work on the identification of short-term halting sites. It also advises the Committee of the wishes of some members of the Gypsy/Traveller community to develop their own sites.

A further report will be presented to the Housing and Environment Committee of 6th January which addresses the policy issues and benchmarking with other authorities as instructed in part i) of the above motion.
2. RECOMMENDATIONS

(i) Members note the ongoing joint work with Aberdeenshire and Moray Councils together with Grampian Police.

(ii) Note the review of the current Policy on Management of Unauthorised Encampments, which is intended to address many of the concerns raised within Councillor Cooney’s Motion and that this will be reported to the Housing and Environment Committee of 6th January 2011.

(iii) Instruct the Director of Housing and Environment to commence work on the identification of Formal Authorised Temporary Halting Sites and to engage with local communities and Elected Members on the suitability or otherwise of these sites. A report to be provided to the Housing and Environment Committee of 1st March 2011.

(iv) Instruct the Directors of Housing and Environment and Enterprise, Planning and Infrastructure to support members of the Gypsy/Traveller community to own/operate their own caravan sites at their own cost and independently of the Council, by:

   a) providing advice and non-financial support to members of the Gypsy/Traveller community to assist them to purchase suitable land from private individuals or companies and to obtain all necessary planning and other permissions relating to use.

   b) examining potential options to lease Aberdeen City Council land to members of the Gypsy/Traveller community

3. FINANCIAL IMPLICATIONS

Costs incurred so far this financial year relating to activity at Council owned land amounts to £26,338.42 and this includes clear-up costs, provision of toilets and bins, legal and Sheriff Officer costs. There are also human resource costs for Officer time which are not easily quantifiable. This includes varying percentages of time relating to the Gypsy Traveller Liaison Officer, Environmental Health Officers and various Managers. It includes for site visits, preparation of reports and complaint handling. A high level estimate of these costs is £53,000. There are no specific budgets for this expenditure and costs are absorbed in the operational budgets across various services.
In the event that members decide that we embark upon a process to identify short-term halting sites then there will be capital funding implications as the previous attempt at this exercise led to the allocation of £400,000 for the creation of four short term halting sites. However, research on the accommodation needs of gypsy/Travellers commissioned from an independent consultant suggests that a maximum of two sites will be required within the city or around the city boundary. Also, costs could be significantly reduced if options for the self provision of sites by members of the Gypsy/Traveller community come to fruition.

Officers would approach the Scottish Government to seek financial support to assist in the development of any sites which are identified and agreed by the Council.

4. OTHER IMPLICATIONS

The provisions of the main legislation in this area are summarised below:

The Race Relations Act 1976 as amended by the Race Relations (Amendment) Act 2000 - This imposes a positive duty on all local authorities, in carrying out their various functions, to have due regard to the need to:

- eliminate unlawful discrimination; and
- promote equality of opportunity and good relations between people of different racial groups.

The Equalities and Human Rights Commission recognises Gypsies/Travellers as coming within the definition of an ethnic group within the terms of the Act, although this is yet to be tested in the courts.

The European Convention on Human Rights (ECHR) - Article 8 states that “everyone has the right to respect for his private and family life, his home and his correspondence.” Article 14 enshrines the right to enjoy any other Convention rights and freedoms without discrimination.

The Human Rights Act 1998 - This Act incorporates the ECHR into United Kingdom law and places all public authorities under a positive obligation to ensure that respect for human rights is at the core of their day-to-day work. This Act makes it unlawful for a public authority to act in a way which is incompatible with a Convention right.
Whilst there is not a legal requirement on the Council to specifically provide Halting Sites within the City, it remains the case that Gypsy/Travellers do have rights for encampment within the City. The Council has powers of recourse to the Courts to move Gypsy/Travellers from their encampments but court timescales do require to be observed and this necessarily involves some delay.

There have been considerable demands upon the GTLO/Site Manager role in managing unauthorised encampments. The GTLO/Site Manager has played an important role in mitigating the impact on the settled community and has also provided useful liaison with the Gypsy/Traveller community. However, this has been placed pressure on the ability to manage the day to day running of the Clinterty Site and it is our intention to review the staffing resources for activity in the near future.

The services previously provided by the Gypsy/Travellers Education and Information Project (GTEIP) provided a collaborative approach between the Council, the settled community and Gypsies Travellers and there is a concern that relationships could deteriorate if this service provision gap is not addressed. This will be the subject of a further report to committee in January 2011.

5. BACKGROUND/MAIN ISSUES

Recent activity

To date there have been 57 unauthorised encampments within Aberdeen City, 33 of which have been on Council land and 24 being on private owned property.

It is believed that one particular group of Gypsy/Travellers will remain in Aberdeen during the winter and into the following year. This is because of the high levels of work that they are being employed to undertake by the citizens of Aberdeen and Aberdeenshire. This group have featured all year round in terms of activity and ongoing movement. There have been a number of difficulties in managing this particular group, mainly due to its size which varies from 30 to 50 caravans. This has led to either single large encampments or to fragmentation of the group across a number of smaller sites, both of which have their own management problems. Also, the presence of such a large group in addition to the usual level of activity has led to unprecedented levels of activity across the city this year.

The Director of Housing and Environment recently met one of the leaders of one group and gained the following insight into the situation from their point of view:
• The group wish to stick together as they are an extended family and also for their own mutual support.
• When they are gathered in a single group, the leaders of that community can more readily manage the behaviour of individual members.
• If they are allowed to gather as a single group on a suitable site for a sustained period then they believe that they can more readily manage environmental issues on the site, such as disposal of waste materials.
• The group are aware that many people view them as “freeloaders”; believe that they run illegal businesses, don’t pay taxes, are not insured etc. This group feel that they contribute to the local economy and insist that they can demonstrate that they operate within legitimate business constraints.
• There is a willingness to work with the Council and our Community Safety partners, to such an extent that they have expressed a desire to enter into negotiations with the Council on the possibility of purchasing an area of ground so that they run a short term halting site operation themselves. They believe that this will be better for them, for visiting travellers and for the settled community.

Public Meetings

Such has been the interest and associated intensity of public feeling around unauthorised halting sites, two specific public meetings were held over the summer, in Dyce with Aberdeen City Council and Stonehaven with Aberdeenshire Council. Both meetings also involved other relevant strategic partners such as the Police. Discussions centred on the public’s expectations for the authorities to deal with Gypsy Traveller activity more effectively and various suggestions were intimated for preventative measures to be taken to avoid future unauthorised encampments – particularly at Riverview Drive, Dyce. Some of these suggestions are being taken forward and will be included in the report due to the Housing and Environment Committee of 6th January 2011. Notwithstanding this, the Council is left with a situation where unauthorised encampments continue to place considerable demands upon Officer time and existing tight budgetary pressures and the gap that remains to be addressed is the lack of provision of suitable sites for Gypsy/Travellers to use.

Joint Work

In terms of current work, together with Aberdeenshire Council and Grampian Police we are reviewing the guidance is currently in place, to establish whether this is adequate, or whether we should suggest to the Scottish Government either changes to this guidance or a more
fundamental review. This includes developing a more robust intelligence led approach to the management of unauthorised sites together with examining the potential use of antisocial behaviour legislation where appropriate.

Members may also be aware of constituency work which some local MSP’s have been undertaking during the summer recess where they have been contacting Councils, Police commands and other stakeholders to identify any gaps with current procedures with a view to petitioning the Minister on driving through legislative changes through the parliamentary process.

As part of the shared services approach across Aberdeen City and Shire and Moray Councils, a company – Craigforth Consultancy & Research - were commissioned to carry out research work on the accommodation needs of Gypsy/Travellers in Grampian. Their findings were presented to the Housing and Environment Committee on (DATE) and the main recommendations were accepted. These were:

Outcome 1: Better planning by local authorities, RSL’s and partner organisations to anticipate, and plan to meet, the future needs and aspirations of Gypsy/Travellers in Grampian.

Outcome 2: Gypsy/Travellers normally resident in Grampian and Gypsy/Travellers visiting the area have accommodation that meets their needs, culture and lifestyle.

These two outcomes are being addressed through the planning process as part of the Strategic Plan and also the Local Development Plan. One of the main recommendations under this outcome was to work with Gypsy/Travellers to enable them to develop sites of their own.

Outcome 3: Individual Support and community development needs are identified and met.

Outcome 4: Better and more constructive relationships are developed between Gypsy/Travellers and settled communities.

These two outcomes are being addressed via joint working with Aberdeenshire and Moray Councils and are the subject of the report to the Housing and Environment Committee in January 2011.

**Halting Sites**

All local authorities have a duty to respond to the needs of Gypsy/Travellers who move into the local authority area as well as manage the rights and expectations of the existing settled community. Aberdeen City Council provides a site at Clinterty and also has a Policy on the Management of Unauthorised Encampments.
The Council embarked upon an exercise to identify four potential short-term halting sites between August 2007 and December 2008. A number of Committee reports were prepared and public consultations were held in the former North and South Neighbourhoods. Public engagement sessions were organised to provide the communities with background information to the justification for following the Halting Site approach and although useful engagement took place in certain communities there was an overwhelming sense that this was a highly emotive matter which generated strong beliefs and associated hostilities and opposition.

One site (Kingswells Park and Ride lower tier) was the only site approved for detailed costing and progression. However, legal considerations have since ruled this site out as an option. All of the other sites that were examined were ultimately considered as being inappropriate on grounds of Health and Safety, being too close to the settled community or having significant legal issues. This led to Officers recommending to Committee that no action be taken. Given the apparent lack of availability of acceptable sites a Committee decision was taken to stand down all further searches and consultations and for officers to work on developing the arrangements for handling unauthorised encampments and to work with all partners to develop a range of options for exploration which reflect the identified needs of the settled community and those of Gypsy/Travellers.

Unauthorised Encampments invariably generate high profile attention and considerable controversy as to the rights of the settled community and the rights of Gypsy/Travellers. Gypsy/Travellers do not always opt to use the Clinterty Site (which is at full capacity at present) and, in the absence of authorised halting sites have certain rights to make temporary encampments. The Council therefore needs to decide whether to continue with the reactive, chaotic seasonal situation that emerges each year or re-open the previous work and move to a position of adopting a number of formal, authorised short-term halting sites in order to better manage the situation and minimise unauthorised encampments. The Craigforth report indicates that one or two sites in and around the city boundary would be desirable, with further sites available across Aberdeenshire and Moray. It is recommended that the Council proceeds to identify formal temporary halting sites, potentially in conjunction with options for members of the Gypsy/Traveller community to provide their own sites.

6. IMPACT

- The delivery of actions arising from the Accommodation Needs Assessment of Gypsies/Travellers in Grampian report will assist the Council deliver SOA requirements to monitor the implementation of the Good Neighbour Code for Gypsies/Travellers on unauthorised encampment
• Aberdeen City residents have access to quality, affordable housing. (SOA)
• We live in well designed, sustainable places where we are able to access the amenities and services we need (SOA).
• Other elements of the SOA will address issues in relation to Gypsies/Travellers through Lifelong Learning, Safety, Health, Transport and Environmental

Public – We are very aware of the public hostility which often surrounds the issue of unauthorised encampments and any proposals to develop short-term halting sites for Gypsies/Travellers.

There is a need to tackle widespread discrimination against Gypsies/Travellers, and also to uphold standards of common decency and the rights of the settled community. Resources will need to be focused on fostering good relations between diverse groups and building bridges between the Gypsies/Travellers and the local settled communities and businesses.

7. BACKGROUND PAPERS

Policy & Strategy – 29 November 2005
Council – 15 August 2007
Council – 21 November 2007
Area Committee South – 29 November 2007
Area Committee South – 21 February 2008
Area Committee North – 23 September 2008
Policy & Strategy – 7 October 2008
Policy & Strategy – 2 December 2008

Draft Specification Contract

8. REPORT AUTHOR DETAILS

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