

REPORT

Developing Successful Site Provision for Scotland's Gypsy/Traveller Communities

A report for the Equality and Human
Rights Commission

Philip Brown

Sustainable Housing and Urban Studies Unit
University of Salford

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1 | Overview

Context

Equality and human rights are for everyone, but over recent years there has been a growing awareness of the long-standing inequalities facing Gypsy/Traveller communities in Scotland and the need to address them. A crucial factor to be considered in resolving the inequalities that exist is ensuring the provision of, and access to, appropriate site-based accommodation.

A lack of new and appropriate sites, the gradual erosion of traditional 'stopping places' and the growth of the Gypsy/Traveller population have all contributed to an accommodation supply-demand mismatch. Ever more constrained accommodation options have resulted in incidences of unauthorised encampments and developments, which have been identified as a particular source of tension between the Gypsy/Traveller community and the settled population. The development of authorised sites is seen as a major strategy for overcoming these tensions, although the development of such sites is often fraught with complexities.

While some local authorities have been proactive in working to address the shortfall of accommodation for Gypsy/Traveller communities, much more needs to be done. An often cited barrier to progressing with site development is the negative impact the establishment of sites has on social relations in a local area or neighbourhood. However, such barriers are not fixed and permanent: experiences in a number of local areas have illustrated what can be achieved by changing how the issue is approached.

Aim of this report

The aim of this report is to illustrate the factors which contribute to the establishment and maintenance of good community relations when proposing and developing Gypsy/Traveller sites. By drawing upon consultations with a number of stakeholders, this report aims to highlight what some of the problems can be when providing site based accommodation and how these can be overcome. The case-studies drawn upon in this report highlight good practice that could be adopted by others, as well as

providing useful learning points from examples that have not been implemented as smoothly as intended.

Structure of this report

- **Section two** outlines the policy background across Scotland and provides an indication as to the known shortfall in accommodation provision for Gypsy/Travellers.
- **Section three** describes how this report was developed and the consultations that underpin it.
- **Sections four to seven** present case studies which illustrate the issues facing some of the main accommodation types from a standpoint of fostering good relations between communities. These highlight how proactive steps were taken to overcome challenges, as well as highlighting problematic areas which can serve as learning points for others. These sections are divided as follows:
 - **Section four** looks at the issue of providing privately owned sites
 - **Section five** draws on an example from England to look at how social sites can be developed
 - **Section six** draws on an experience of refurbishing a socially rented site and the lessons around good relations that can be learned
 - **Section seven** presents an approach to managing unauthorised encampments by one local authority which outlines how this can improve relations between many of the partners concerned
- **Section eight** brings together some of the overarching findings from these case studies and presents observations for future work.

2 | Policy context

Equality obligations towards Gypsy/Travellers

There has been a long history of Government debating and analysing issues impacting on Scottish Gypsy/Travellers (for example, Scottish Office, 1974, 1998; Scottish Executive, 2000). In post-devolution Scotland, a watershed came in 2001 with the reporting of an inquiry on 'Gypsy/Travellers and public sector policies' by the Scottish Parliament's Equal Opportunities Committee (EOC) and with the development of housing policy and legislation, in particular the Housing (Scotland) Act 2001 (Scottish Parliament, 2001a, 2001b).

The Public Sector Equality Duty was created by the Equality Act 2010 and replaced the race, disability and gender equality duties. It applies to public bodies, such as local authorities, in England, Scotland and Wales. The general equality duty is set out in section 149 of the Equality Act. In summary, those subject to the general equality duty must have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation
- advance equality of opportunity between different groups
- foster good relations between different groups.

More recently, two enquiries by the Scottish Parliament's EOC have outlined the circumstances facing Gypsy/Travellers in Scotland with respect to care (Scottish Parliament, 2012) and accommodation (Scottish Parliament, 2013). Furthermore, in April 2013, as part of its monitoring exercise on how the Public Sector Equality Duty is being delivered, the Scottish Government published a specific Gypsy/Traveller Equality Outcome covering the period 2013-17:

Gypsy/Travellers experience less discrimination and more positive attitudes towards their culture and way of life.

— Scottish Government, 2013

It is stated that part of the activity designed to achieve this outcome will involve working with a range of stakeholders, including Gypsy/Traveller communities, to

tackle prejudiced attitudes and foster good relations between communities. The barrier posed by negative relations, either perceived or real, has been identified as a key issue in efforts to increase the supply of site-based accommodation provision ():

... it is clear that, where additional sites are needed, it is difficult to find suitable land for their development. A major factor in this is resistance by local settled communities to site development. There is still hostility and fear, often based on stereotype and ignorance, to the idea of site development and this can put pressure on officers and elected members in a planning system which involves public consultation and where councillors can lose their seats. Overcoming this barrier will be very important in future.

— Brown, Niner and Lomax, 2009: 65

In the late 1990s, Duncan (1996) explored the impacts of a small number of sites which had been established for a number of years in central Scotland. This showed that sites had a lower level of impact on non-Gypsy/Traveller neighbours than had been anticipated at the outset. Furthermore, many neighbours acknowledged that their previous opposition to the establishment of the sites were groundless.

The shortfall in accommodation

The counting of Gypsy/Travellers in Scotland, other than two one-off counts in 1974 and 1992, was a new development when the bi-annual Caravan Count (January and July) was introduced in 1998.

The Count was discontinued by the Scottish Government with the last Count conducted in 2009. At the time it was estimated that there were:

- 31 socially rented sites across 23 different council areas in Scotland - 28 of these sites operated all year round and three only opened in the summer. Together these sites provided a total of 478 pitches
- 22 private sites, 17 of which operated all year round and five of which were seasonal, open only in the summer months. It was thought that 161 households were living on private sites.

Previous research for the Equality and Human Rights Commission (Brown, Niner and Lomax, 2009) aimed to identify the progress made by local authorities in

meeting accommodation need. This study found that overall there had been a net decrease in the number of pitches available to Scottish Gypsy/Travellers between 2006 and 2009. Given that there were vacancies on sites, but at the same time, a probable shortfall in supply compared to accommodation need, it was argued that the situation of site provision in Scotland was particularly complex.

Barriers to site development

Reports by Niner (2003) and Richardson (2007) have explored the issues of barriers to site provision within the context of England. Niner (2003), looking at the situation of local authority sites in England, highlights a number of obstacles that hinder the development of new site provision:

1. Opposition by the general public.
2. A tendency to wrongly attribute the negative actions of a minority in the Gypsy/Traveller communities to the majority.
3. Previous experiences of vandalism of sites.
4. An assumption that the increase in supply is a national responsibility leading to local inertia.
5. Uncertainty about the level and nature of need.

The Housing (Scotland) Act (2001) requires local authorities to prepare a local housing strategy supported by an assessment of housing need and demand. As such local authorities produce Housing Need and Demand Assessments (HNDAs). These should include consideration of the accommodation needs of Gypsy/Traveller populations. However, some local authorities have commissioned more specialised assessments in the past.

In Scotland, the report by Brown, Niner and Lomax (2009) identified that a number of authorities were, at that time, in the early stages of attempting to assess and enumerate the need for additional pitches to address accommodation shortfall. However, recent research undertaken by Amnesty International (2012) concluded that only a minority of authorities had developed effective plans to meet this accommodation need. The EOC (2013) report outlined that few local authorities had specific plans for new sites of any sort and gave the presence of vacant pitches (which has been suggested to be due to poor site conditions, inappropriate locations or relationship issues on sites between residents) and lack of funding as reasons for not pursuing development. This poor progression can be partly explained by difficulties in finding suitable land and a lack of funding specifically for site

development. However, a significant number of reasons for non-progression revolve around the perceived complexity of the issue from local authorities, resistance by local communities (and elected members) and a lack of engagement by members of the Gypsy/Traveller communities (Brown, Niner and Lomax, 2009).

3 | Selecting the case studies

In order to highlight good practice and learn from the experience of others grounded in the current policy context, case studies were sought where there had been relatively recent site development (within the last 10 years) and there had been some social relations challenges which had been overcome.

A range of methods were used in order to identify suitable case studies for this report. The team explored the relevant recent literature, particularly key Government and non-governmental reports. Approaches were made to a number of organisations and individuals in Scotland and in most cases discussions were held. Key organisations approached included MECOPP, Scottish Traveller Education Programme (STEP), Article 12 and Planning Aid. Finally, the team made contact with each of the 32 local authorities in Scotland to explore a number of issues:

1. Whether they have seen the development of sites/pitches in the last 10 years.
2. The social context for the development.
3. The size of the development.
4. Whether they would be willing to engage in further consultation if required.

Around two-thirds of local authorities responded with information and this, combined with the previous secondary and stakeholder information, allowed for the identification of suitable case study areas.

This exercise further supported findings from previous literature around the paucity of recent site development in the area. A number of local authority officers reported that they were planning to develop sites, or were in the process of allocating land, but few had progressed further. After a sifting process the case studies that were selected were:

- New private site development – Falkirk.
- Socially rented site refurbishment – Perth & Kinross.
- Management of unauthorised encampments – South Ayrshire.
- New socially rented site development – Carlisle.¹

¹ This site was selected due to a complete lack of new social site development occurring in Scotland. Although in England, the site in Carlisle is close to the Scottish border, is relatively new and accommodates a number of Scottish Gypsy/Travellers as tenants.

A range of people – local authority officers, police, elected members, site residents and members of local communities – were then invited to provide their experiences via a mixture of face-to-face and telephone discussions in an effort to obtain a rounded picture of the development. Each of these sites is discussed in more detail below.

4 | Developing private sites

Private sites are an important component in the accommodation mix for Gypsy/Traveller communities. Private sites are often cited as the accommodation type of preference in studies looking to assess the accommodation needs of Gypsy/Travellers (Lomax, 2008). Reasons for the preference for private sites are varied and are often dependent on the personal experience of the households concerned. However, a desire to be independent and self-sufficient is frequently given as the main reason. Related to this is the often reported desire to live on a small site without any of the day-to-day neighbourly disruption that can be experienced as part of living on larger sites. Similarly, private sites are also seen by many Gypsy/Travellers as a practical way of ensuring that children in families can access safe and secure site-based accommodation as they grow older and form families of their own in the future.

As of 2009 it was estimated that there were 22 private sites across Scotland. Most of these were open all year round with just under a quarter open seasonally, during the summer months. At the time of the last Caravan Count, it was estimated that these sites accommodated around 161 households. However, it should be noted that the Caravan Count data is likely to be an unreliable indicator of the size of the population and levels of occupancy (Clark, 2006).

Research by Brown, Niner and Lomax (2009) indicated that between 2006 and 2009 there had been a modest increase in the number of private pitches entering the accommodation supply. In total, at least 12 planning applications were received by six local authorities, involving at least 26 pitches. Of these only one application (four pitches) received full planning permission and one (four pitches) was given a personal planning permission limited to the applicant only. In addition, three permanent permissions were granted on appeal involving 10 pitches. It was clear from this research that the appeal process was very important in achieving permissions for Scottish Gypsy/Travellers as noted by the EOC in 2013.

Developing a private site: the Falkirk experience

Within Falkirk there is a single local authority run site and five small private sites. One of these sites was recently established within the last five years. This site is situated on land found at the end of a track which runs off from a housing estate and is adjacent to a well-used footpath. This land used to serve some industrial or commercial purpose a number of years ago but had been empty for some time.

The intentions for the site to be developed into a Gypsy/Traveller site came to the attention of the local authority when the land was purchased by a Gypsy/Traveller family and developed. At this time no planning permission was obtained and the site was classed as an unauthorised development. Members of the immediate local community brought the site to the attention of the planning department. Following this, the enforcement officer commenced engagement with the family. However, rather than being combative, relations between the planning department and the family were described by all consulted as broadly positive and grounded in frequent dialogue. As described by the local authority, the way in which the issue was approached from the outset framed the entire process which subsequently followed:

People may criticise Falkirk approach to enforcement as too soft. If we had served notice in this case, relationships would have broken down on day one.

— Local authority

The work of the planning department was supported by the manager of the local authority site who had extensive experience of working with Gypsy/Traveller families. This experience of creating dialogue and acting as an intermediary was seen as vital in order to build meaningful relations.

The family were supported in their submission of a planning application by the local authority and were provided with some help from a planning consultant, as the resident recalled:

I put the application in. We'd never done it before so it was trial and error. We had to do it again because we did it wrong the first time. The Enforcement Officer was a really nice guy, not prejudiced at all. He helped us fill in the form. Everything had to be done to scale, another guy

[name of consultant] helped us draw up the plans. He also helped my brother. We were really lucky everyone was really helpful.

— Gypsy/Traveller Resident

The local authority reported that early in the process it was deemed that the site could be successful. The authority said that they acted proactively not because they had a specific pitch requirement they had to meet, but because they were aware of under-provision for Gypsy/Traveller sites nationally.

Relations with the immediate local resident community were mixed. A neighbour reported that a small-scale campaign against the site was initiated by one or two local residents. These residents reportedly knocked on doors to encourage others to object to the planning application and provided guidance as to how this could best be articulated to the planning department. A number of neighbours resisted these attempts. Similarly, when the planning department became aware that these attempts were made they removed submissions where there was obvious duplication (i.e. photocopies of letters of objection). However, the authority reported that they did not receive that many complaints and no more than would be expected of any other development which had not secured planning permission.

During the process of deciding upon the planning consent, the Planning Committee of the local authority requested two site visits. These site visits were to allow the local community to contribute to the decision-making process by commenting on issues and asking questions of the local authority officers and applicants. The family talked about being extremely anxious about these visits as their future on the site depended on it:

I was terrified. We had nowhere else to go. It turned out really good. We got [the planning consultant] to talk to them. They all stood round, one lady said 'I want it stated now I have no objections. They are lovely people.' They were here for two hours.

— Gypsy/Traveller Resident

No complaints about the site were raised at the site visit. The sole local resident who joined the committee members at the site visit reported a concern they had in relation to road traffic and requested a roundabout to deal with access issues. The local authority Planning Officer saw these visits as a crucial part of the process.

For some degree it's got to be 'put up or shut up'. Instead of hiding behind words in a letter of objection, if these issues are hollow, complainants don't bother coming to site.

— Local Planning Officer

People in the area who used the footpath adjacent to the site and the local residents have made an effort to greet people on the site as they walk past. A neighbour also reported that they felt that the family have to 'go out of their way' to be friendly and positive with local community members in ways that they shouldn't have to. The family reported that they are happy to break down barriers that may still be present.

Since the establishment of the site, relations between the site residents and local community appear to be strong. Friendships have formed and members of the local community have offered help to the family when needed (for example, offering to do their washing when they did not have access to electricity). The Planning Officer commented that they had no further contact with the family or local residents since the site was approved.

The relatively small size of the site, which accommodated a single extended family, as opposed to a larger site accommodating multiple households, may make this case study less typical. Nonetheless, there are a number of key issues arising from this example which are worth highlighting:

- The most important factor in the success of the site was seen to be the location, described as ideal by the Planning Officer. This was seen to have helped to significantly reduce the number of complaints that could have been made by neighbouring residents.
- Another significant issue appears to be the manner in which relations and dialogue was framed from the outset. With the help of an experienced and knowledgeable intermediary, all parties appeared to have been open, clear and honest about taking the site forward. Relations were positive, inclusive and proactive as opposed to being driven by an agenda of enforcement and exclusion.
- The opportunity of a site visit appears to have been instrumental in allowing a robust decision to be made on the application. This has had the added benefit of enabling members of the community to mix and further break down barriers to relations at the interpersonal level. Although potentially difficult to manage, the experience here suggests that this approach offers a pragmatic method to deal with a controversial issue.

- Flexibility of approach was seen as central due to the complexity of the issues and the lack of experience Gypsy/Traveller applicants may have within the planning process.
- There have been no further planning applications for Gypsy/Traveller sites within the authority which confounds the general belief that if Gypsy/Traveller sites are allowed more sites will follow.

5 | Developing socially rented sites

A diversity of socio-economic situations is present amongst Gypsy/Traveller households, from the moderately wealthy to very poor families. Although obtaining empirical evidence on the economic circumstances of Gypsy/Travellers is very difficult, it is well established that Gypsy/Travellers are amongst the most culturally, socially, physically and financially excluded in society (Cemlyn *et al.*, 2009). A number of families will always be able to afford to purchase or rent pitches at market rates. However, in line with the rest of society, others will be less able to provide for themselves and will require additional support to access safe and secure accommodation consistent with their cultural needs. The absence of a range of tenure to address this diversity of socio-economic circumstances may lead to a perpetuation and possible increase in hidden homelessness. The development of socially rented site provision is a crucial component to ensure an appropriate tenure mix. At the same time, developing a single socially rented site can also be advantageous in terms of having to resolve one planning application as opposed to dealing reactively with retrospective planning applications for private sites.

At the time of the final Caravan Count in Scotland it was thought that there were 31 socially rented sites across 23 different council areas in Scotland; 28 of these sites operated all year round and three only opened in the summer. Together these sites provided a total of 478 pitches. Research by Brown, Niner and Lomax (2009) highlighted that between 2006 and 2009 there had been a loss of 32 socially rented pitches. From this, seven were lost due to improvements on sites, and two were temporarily lost. The loss of others was often attributed to low demand for the sites in their current location and/or condition.

The Scottish Housing Regulator has regulatory responsibility for local authorities and social landlords who manage Gypsy/Traveller sites and there is a Scottish Social Housing Charter Outcome relating specifically to Gypsy/Travellers which states that sites are well maintained and managed.

Due to the lack of new development of socially rented sites in Scotland, a recent case study from England was drawn upon.

Developing a socially rented site: the Carlisle experience

There had been significant changes in the number of pitches available within Carlisle over the years. The two local authority sites in the district had closed or moved into private use since 1994. During 2007 there was one large private site in the area which was thought to provide around 54 mixed residential and transit pitches. In 2007 a mass eviction by the landlord of this site displaced around 40 households. This eviction, and the subsequent sharp increase in unauthorised encampments in the area, indicated a serious accommodation need for Gypsy/Travellers in Carlisle.

The local authority formed an internal working group comprised of officers from planning, social services and community development in order to explore how best to respond to this apparent need. The absence of appropriate and available secure accommodation was a key finding of this group and steps were taken to explore how this could be developed.

The group identified an existing site which had planning permission for 15 residential pitches, but was being under-occupied by the site owners. The site was adjacent to a motorway and an industrial park but, at the same time, 'surrounded by fields'. With support and encouragement from the Department for Communities and Local Government (DCLG), an application for the development of the site was awarded £1.9million from the Gypsy and Traveller Site Grant. These funds were able to cover the cost of purchasing the land and its redevelopment.

The site was developed according to the DCLG guidance on site design. Each pitch included an amenity block, improved sewerage, individual gas and electric meters, drinking water and a specific post box. There were also solar thermal panels installed for hot water.

There was some resistance to the development of the site from within the local authority and from the settled community. Most of the concerns from within the local authority were in relation to the liability the management of the site would have for the local authority. Such concerns led to the long-term lease of the site being granted to an external management organisation. There appear to have been relatively few concerns expressed by the local non-Gypsy/Traveller community to the development of the site. However, a member of a neighbouring Parish Council was critical about an apparent lack of consultation. Very few reports about the development appeared in the media. The site opened in 2009.

Some key issues arising from this example include:

- The crucial factor in establishing the site was the planning consent that the site already had. This ensured that the site was able to progress quite quickly with very few objections raised by members of the local community.
- The support given by the Government — from grant application to site identification — was seen as very important. This support enabled the authority to negotiate the application for funding as it was hoped that the establishment of a successful site would allow other local authorities to follow suit. It was noted, however, that once the site was established the support from Government was removed which often led to a small group of officers managing a new form of provision.
- Another useful ingredient for success was the consultation with, and involvement of, potential residents of the site. Residents were consulted on the broader aspects of the design as well as topics such as the building materials to be used. This engagement led to a number of changes being made which improved the site.

6 | Refurbishing socially rented sites

In June 2005, the then Scottish Executive announced a site development grant of £3 million over three years from 2007 for new residential or transit sites and for refurbishment of existing local authority sites. Refurbishments following grants awarded from the first applications were on site in 2007. The Site Grant offered part funding for the total project costs covering new site development and improvements to existing sites. From 2010 to 2011, funding for Gypsy/Traveller sites was rolled into the local government settlement (Brown, Niner and Lomax, 2009). In practice, this has effectively stalled any works in the provision of new sites or refurbishment of existing sites. More recently, the EOC (2013: 3) commented on the 'squalid' conditions experienced by tenants on a number of sites in Scotland:

When we visited sites we saw some horrendous conditions for ourselves. We were deeply disturbed to see that families paying rent to their local council were expected to bathe young children in freezing cold amenity blocks with extortionate heating costs, and that elderly and disabled people might have to go outside to a toilet block in the middle of a cold winter's night.

— EOC (2013: 3)

The refurbishment of existing sites is as important as the provision of new ones. Existing sites have often been functioning for a significant number of years. On occasion, existing sites have developed from less formal origins, as a temporary or transit site, and have been adapted over the course of time to respond to the needs of residents. It is not unusual to find sites with significant deficiencies such as poor drainage, inappropriate amenity facilities as well as a range of health and safety concerns (Lomax, Lancaster and Gray, 2000; Niner, 2003). Areas of focus for refurbishment are usually the amenity blocks (which accommodate kitchen, bath and toilet facilities), roads and pedestrian access, landscaping and drainage.

Refurbishing sites is not without its challenges. Issues such as buy-in from the tenants, meeting expectations, as well as the practical challenges of undertaking the works can be difficult.

Refurbishing a socially rented site: the Perth & Kinross experience

The Double Dykes site in Perth & Kinross is located on the north western boundary of the City of Perth and lies between the periphery of an industrial site and the River Almond. The site currently accommodates 37 people. It has a long history of use by Gypsy/Travellers and residents who were using the land 'unofficially' and then became official tenants in 1982. From 1982, the site was described as basic and was made up of hard standings with amenity units only installed some years later during the early 1990s. The amenity units provided basic toilet and washing/utility facilities for the residents.

The impetus for the refurbishment of the site in 2007 appears to have been a group of site residents. These residents reported dissatisfaction with the amenity blocks due to their worsening condition. An initial proposal by the local authority to update the amenity blocks was rejected by the residents. This coincided with the announcement of the Gypsy/Traveller Sites Grant programme by the Scottish Government.

A group was put together to draft a bid for funding and to develop the refurbishment plans. The group consisted of tenants, representatives of the local authority and an architect. The bid for funding was successful and resulted in the provision of 20 three-bedroom chalets complete with a separate dining room and gas central heating (which was formed as a further upgrade to existing provision in 2011). Each pitch has its own touring caravan space. There is an amenity space at the rear of the site which allows for children's play activities and there is also a community facility based in a portable unit.

Undertaking the refurbishment works proved a challenge. As the entire site was due to have an extensive upgrade, all the pitches had to be decanted. To assist with this the local authority sought to provide alternative land available for tenants to use. Land was identified and proposed by the local authority to be used as a temporary site to accommodate the displaced households whilst the refurbishment was undertaken. However, there was significant opposition to the use of this land by some members of the local population and elected members. Statements to the Planning Committee, which had to authorise the temporary permission to use this land, asserted that there would be an increase in vandalism and theft in the

surrounding area as a result. The planning application was turned down and the land was not used. Residents due to be decanted from the site were encouraged to find alternative arrangements by staying with friends and family or moving into housing for the duration of the work. For those households unable to find alternative accommodation they were moved to another area of the Double Dykes site for the duration of the refurbishment which lasted approximately four months.

It was suggested by those consulted that the decanting of residents was something the local authority officers had 'not thought through' and there was 'no back-up plan' when the suggested site was unable to be used. As this coincided with the build-up to local council elections, the planning application became very political. The subsequent lobbying that took place by businesses and politicians against the decanting of the site led to anger from within the Gypsy/Traveller community about how they were being characterised.

Once the site was redeveloped there were few instances of negative relations between the residents and the settled community. Indeed, since the work has been completed it was reported that one of the councillors who opposed the use of the temporary site has become a noticeable advocate for Gypsy/Travellers resident in the area. The authority has since engaged in training sessions for elected members around diversity and the Gypsy/Traveller communities. The authority has an active Gypsy/Traveller Strategy which guides the work of the local authority in respect of addressing the inclusion of Gypsy/Traveller communities in the area.²

The key issues arising from this example are:

- This experience provides an opportunity to reflect on lessons learned. There were significant issues impacting on social relations brought about by the way the decanting of the site was undertaken. The politicisation of what should have been a logistical issue meant that good relations were harmed. Although a final positive outcome was achieved, with greater planning and dialogue with key stakeholders it is likely that such challenges could have been avoided.
- An important factor driving the redevelopment of the site was the active role played by site residents. The formation of a group of residents who could lobby the authority appeared to be an important component to ensuring the development took place.
- This experience also highlights the opportunity the refurbishment creates for a positive dialogue about the need for accommodation provision in a given area.

² Available at: www.pkc.gov.uk/CHttpHandler.ashx?id=18570&p=0

With sufficient planning, and local support, the experience of decanting should be as straightforward as possible.

- Long-term issues with the non-Gypsy/Traveller community have not occurred. Although this is most likely to be due to the length of time Gypsy/Traveller populations have been established in the area, this might also be because of the positive and proactive manner in which the local authority has in more recent years approached the inclusion of Gypsy/Travellers in the area. An example of this is the strategy (currently in draft form) which is said to guide the work of various inclusion initiatives in the authority.

7 | Managing unauthorised encampments effectively

As detailed in EOC (2013), when Gypsy/Travellers are travelling they may pull on to a variety of areas including lay-bys, car parks, parks or other land. The duration of stay can be as little as a single night or as long as several weeks. Similarly, it may involve a small number of trailers and vehicles or it may entail many separate living units and vehicles. Private land can be used as often as public land. Due to the geographic make-up of Scotland (for example a mixture of highly urban and largely rural areas), managing encampments can be complex. Encampments may be in place for differing periods of time. Some areas may experience few encampments whereas particular authorities, and areas within authorities, may be particularly attractive to those Gypsy/Travellers looking for short stays due to their proximity to travelling routes (i.e. ferry or road). The main reported impacts of unauthorised encampments tend to focus on the land involved, the disruption caused to the surrounding population and costs incurred in 'clean up'. However, it is worth noting that unauthorised encampments also impact on the households involved, largely as a result of the insecure nature of their accommodation situation. For those where such precariousness is less a choice and more a necessity, there may also be impacts on mental health (Parry *et al.*, 2004) and access to health and social care services (Cemlyn *et al.*, 2009; Scottish Parliament, 2013).

Research by Brown, Niner and Lomax (2009) contained an overview of the role the police had, together with their views, with respect to unauthorised encampments across Scotland. Firstly, it was acknowledged that Gypsy/Travellers have a long-standing historical presence in Scotland and that many members of the community have a continuing desire to travel. Secondly, it was seen that a loss of suitable authorised pitches and traditional stopping places has led to a greater visibility of unauthorised encampments. Thirdly, due to this complexity of issues, there were no simple solutions to resolving the issue of unauthorised encampments. Similarly, Article 12 has reported that the presence of unauthorised encampments has been the result of regressive policies or inertia by local authorities:

A key driver of discrimination and prejudice faced by Gypsy/Travellers on a daily basis is the lack of long-term and halt sites. This lack of provision, along with the closing off of traditional stopping places, leaves the community with little choice but to establish 'unauthorised encampments' in, at times, high profile public spaces.

— Tammi, 2012

A policy of 'toleration' was in place across Scotland for many years. This entailed setting a reverse quota on the number of Gypsy/Travellers that would be 'tolerated' in any given local authority area (typically no more than 20 pitches). Once this agreed number of pitches was reached, the Police were required to move Gypsy/Travellers out of the area. As a result of its discriminatory underpinnings, around 10 years ago, the then Scottish Executive ended the policy of 'toleration' and moved towards a position of managing unauthorised encampments. Local authorities were encouraged to develop strategies in order to facilitate this process and better understand need arising from those households who featured as unauthorised encampments.

The number of households recorded as 'encampments' in the July 2009 Caravan Count was 229. This was part of a downward trend in the number of households recorded, which reached its peak with 407 recorded households in 2007. The number of unauthorised encampments in particular areas can vary widely. In the EOC (2013) report, it was cited that one authority reported 18 encampments within a 10-month period, another authority reported experiencing 75 encampments, whereas others had little to no experience of regular encampments. However, repeat encampments can occur within the same area, as households travel within or back to local areas, meaning the total number of households involved may actually be less.

Managing unauthorised encampments: the South Ayrshire experience

Like many local authorities in Scotland there has been a reported decrease in the number of encampments experienced in local authorities over the last few years. Although there was a perception that the numbers of households on the road had reduced, it was thought that the practice of physically 'engineering encampments' out of the local area had played a significant part. Such measures including installing

height barriers and erecting concrete blocks were being gradually introduced to 'high profile' sites such as school grounds and public parks. However, not all areas were affected and 'lower profile' sites were still accessible. There were added complexities when large gatherings were involved, although this was apparently relatively rare.

The Gypsy and Traveller Liaison Officer (GTLO) in South Ayrshire, like a number of other local authorities, also undertakes the role of site manager on the local authority site. The change from toleration to management of unauthorised encampments was seen to be an overwhelmingly positive one by those consulted as it was seen to enable the authority to move from a 'confrontational' position to a more supportive one. The authority now has a specific policy which they operate with key internal and external partners that includes the police, Gypsy/Travellers, health and the authority cleansing service.

The police noted that a major improvement was the joined-up nature of the work with the local authority which is facilitated by daily catch-ups between the relevant Police Liaison Officer and the GTLO. It was suggested that this led to consistency of communication with households on unauthorised encampments. Here the local authority adopts a generally supportive role, with the police adopting a more authoritative enforcement role.

There have been positive tangible impacts as a result of this more supportive approach. For instance, the local hospital has reported less pressure from admissions arising from short-stay households in their Accident & Emergency department as a result of proactive visits made by a health practitioner who visits the encampments following a visit by the GTLO. Similarly, the costs incurred as a result of initiating legal proceedings against encampments had significantly reduced. By talking to households about their plans, they were able to gain a better understanding about the timescales involved. In the vast majority of situations these were seen as manageable due to the transitory nature of the households involved, as many of the households on encampments within South Ayrshire were Irish Travellers en route to or from the ferry port at Stranraer. However, if the number of complaints reaches a 'tipping point' – that is, a significant but non-specified number – the police advise for the need to commence legal action.

When encampments occur on private land the authority liaise with the landowner and give assurances that the land will be cleared following their departure as long as there is no commercial waste. Such actions often prevent expensive legal action from occurring.

As a result of the change in approach to managing unauthorised encampments there had been a perceptible change in the social relations and dialogue between the

GTLO and the households on the encampments. However, from consultations with landowners, perceptions of the wider community towards Gypsy/Travellers on encampments have not been improved noticeably since the introduction of the policy as those consulted thought that encampments remained a negative feature.

Some key issues arising from this example include:

- Multi-agency approaches of this nature can be found in a number of areas across the United Kingdom. What appears to be the most important factor for the success of this approach was ensuring that inter-agency communication was timely and appropriate. Regular dialogue between the local authority and the police ensured that the approach being adopted by both parties was consistent. Similarly, engaging other agencies as necessary (i.e. health) meant that other benefits were produced such as cost savings and appropriate health treatment provided.
- Similarly important was the need to ensure that there is continuity of staff. Having consistent key contacts within organisations was seen to help ensure inter-agency communication occurred.
- Many key officers had awareness of issues pertaining to Gypsy/Travellers although it was thought that more work was needed to be done to encourage a greater breadth of knowledge for local politicians.
- It should be noted that the successful management of encampments is only possible when there are areas of land which can be used without tensions arising with the local community, or provide a safe and secure place for households to reside. In this way a policy cannot be divorced from the spatial context in which it is based.

8 | Summary and observations

This final section draws together some of the key points arising from the case study examples and presents some observations.

Communication and dialogue

Underpinning all of the case study examples highlighted in this report is the need to ensure early, inclusive and effective communication and dialogue between a range of stakeholders. Where challenges have been overcome, or lessons have been learned, the benefits arising from dialogue has been of central importance. When establishing new site provision, both socially rented and private, the authorities made particular efforts at engaging with local non-Gypsy/Travellers. Within Falkirk, as well as having an experienced intermediary, dialogue and understanding was made possible via a very constructive process of having members of the Planning Committee visit the site. Within Carlisle, although the site had planning permission, residents in the local area were provided with information via leaflets as to the development of the site. Similarly, when refurbishing a site, early communication was seen as necessary in order to avoid many of the issues which led to the decanting of the site becoming opposed. Finally, the work in South Ayrshire around the management of unauthorised encampments has only been possible due to more effective communication between the local authority and the police and by involving local Gypsy/Travellers in crucially appraising their plans, policies and strategies.

Location of site provision

The importance of selecting the correct location for sites was implicit in all case study areas. For those case studies where new sites were being created, it was a cornerstone of their success. For the local authority, the fact that a site already benefited from planning permission for a caravan site was a significant benefit to avoiding time-consuming opposition from members of the local population. Similarly, the location of the private site in Falkirk was seen as 'ideal' by the local authority which was seen to contribute to a relatively low level of opposition from the local

community. Although this was a pragmatic response to overcoming apparent opposition to the site this does not in itself overcome the underpinning discrimination towards the establishment of Gypsy/Traveller sites.

Partnership working

An awareness that addressing the accommodation needs of Gypsy/Traveller populations was part of a broader national role appeared to be the main driver for Falkirk to act positively. Such an example illustrates how moving away from parochial ways of working can lead to positive outcomes. In this example there was no evidence of a 'honeypot' effect where the development of Gypsy/Traveller sites in particular local authorities leads to a disproportionate demand for sites in those areas. The focus upon provision as servicing a wider area (potentially beyond local authority boundaries) can lead to creative partnerships – as in the case of East and Mid Lothian Councils' share site provision – in order to address a national accommodation shortfall. Lessons can be learned from England where a great deal of time, and money, has been spent by local authorities trying to determine responsibilities for site provision between neighbouring authorities. To a certain extent this has been to the detriment to working out 'how' accommodation needs can be met most sustainably.

Development of a strategy

In all but one of the case study areas the work was guided by a specific and positive Gypsy/Traveller strategy. This was central to providing a framework within which the authorities could take a proactive approach whilst ensuring the various stakeholders who would be able to contribute could do so. Within South Ayrshire, rather than simply 'managing' encampments, the authority adopted a problem-solving approach which appeared to lead to flexible ways of working.

Understanding need and allocating funding

Finally, the development of site provision is unlikely to increase until two issues are more clearly resolved. Firstly, local authorities still experience uncertainty with respect to whether they should be developing accommodation and to what extent.

Secondly, funding remains a significant barrier. Although funding is available for the development of sites as part of wider budgets, pressure from other areas for these funds means that authorities are not incentivised to use them for Gypsy/Traveller site provision.

Observations

A number of reports are now available which, in various ways, have supported the requirement to address the long-standing accommodation needs of Gypsy/Traveller communities. It is now well established that addressing the accommodation needs of Gypsy/Traveller communities is the shortest and quickest route to ensuring positive outcomes and good relations. Research has shown that a lack of suitable accommodation and poor conditions is related to poor education and poor health as well as being at the root of ill-feeling between communities. In addition, addressing accommodation will in the short- and long-term reduce the costs of maintaining a regressive process that surrounds unauthorised encampments and developments and help achieve additional revenue, in the form of rent and Council Tax, where socially rented and private sites are developed. Permanent solutions will offer the best chance for positive outcomes for all concerned and create a platform where greater engagement and cohesion can be fostered and developed throughout Scotland.

Reports which restate these well-rehearsed arguments are unlikely to help address the shortfall of accommodation and various health and wellbeing needs. Instead actions should be prioritised which take a progressive and proactive approach. The following observations are provided in this spirit:

1. A supportive, practice-based, training programme aimed at key local authority officers (for example planning, housing and equality) should be developed and delivered across Scotland. This programme should include issues such as overcoming public opposition, designing sites and management. It should allow for participants from different local authorities to share their concerns, challenges and experiences in order to develop constructive ways forward.
2. **Related to this should be the delivery of a training programme for elected members on tackling the inclusion of Gypsy/Traveller communities. Such a programme would allow for elected members to come together in a mutually supportive environment to discuss issues around public opposition, diversity and site delivery. A similar programme has been funded for a number of years by the Department for Communities and**

Local Government (DCLG) and co-ordinated by the Local Government Association and Planning Advisory Service.

- 3. Much of the success within the local authorities drawn upon here tends to revolve around the experience and relationships of a handful of key personnel. This poses a risk for the future of increasing the provision of accommodation for Gypsy/Travellers as this tacit knowledge can be lost when staff leave the organisation and elected members change. There needs to be more knowledge transfer within organisations and between key officers in particular. For example, planning officers often work on an area basis so there may be different officers dealing with similar issues in the same authority. This has the potential to mean different approaches are taken within the same authority. Ensuring that processes are in place for officers to learn from one another will ensure consistency of response.**
- 4. The practice of site visits by members of the Planning Committee, as illustrated by Falkirk, should be replicated in other local authority areas. Such visits when organised effectively can form the basis of a robust decision-making process and, more importantly, allow for scenarios where community members can meet and develop positive social relations.**
5. Organisations and bodies which are based within communities also have a vital role to play in maintaining good relations. Where there have been proactive and planned contact between Gypsy/Traveller communities and non-Gypsy/Travellers and Councillors, positive outcomes have emerged. Community Councils and other representative bodies have a vital role to play here. There should be further work to explore how Community Councils and other representative bodies could help facilitate further good relations between communities.
6. Little is known about the daily interaction between Gypsy/Traveller communities and non-Gypsy/Traveller communities. As most work is focused on reducing conflict and relationships with services and institutions, the potential to understand convivial and mundane interactions are often overlooked. Such engagements offer building blocks from which longer term relations can be developed. There should be work undertaken which seeks to develop an understanding of the everyday social relations between Gypsy/Traveller communities and non-Gypsy/Traveller communities at the neighbourhood level.

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