



REPORT TO: COMMUNITIES COMMITTEE ON 3 MARCH 2020

SUBJECT: GYPSY/TRAVELLERS ACTION PLAN

BY: DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT AND FINANCE)

1. REASON FOR REPORT

- 1.1 To provide the Committee with details of the Scottish Government/Convention of Scottish Local Authorities (COSLA) joint Action Plan to improve the lives of Scotland's Gypsy/Travellers.
- 1.2 This report is submitted to Committee in terms of Section III G (3) of the Council's Scheme of Administration relating to the management and maintenance of sites for Gypsy/Travellers.

2. RECOMMENDATION

2.1 It is recommended that the Communities Committee:-

- (i) considers and notes the details of the joint Action Plan on Gypsy/Travellers agreed by the Scottish Government and COSLA;**
- (ii) considers and notes the implications for the Council's approach to assessing and meeting the needs of Gypsy/Travellers in Moray; and**
- (iii) agrees that the Council participate in COSLA's Gypsy/Traveller Negotiated Stopping Pilot.**

3. BACKGROUND

- 3.1 On 9 October 2019, the Scottish Government and COSLA published the joint Action Plan, "Improving the lives of Gypsy/Travellers: 2019-2021".
- 3.2 The Action Plan recognises that Gypsy/Traveller communities experience poorer outcomes in terms of living standards, education, health and employment, and often face extreme and persistent stereotyping and hostility. The plan commits both national and local government to protect and promote the human rights of Gypsy/Travellers in Scotland, to tackle the discrimination and inequalities they face and to ensure their needs are met on an equal basis with other communities. The plan sets out a broad range of actions to improve the lives of Gypsy/Travellers and address inequalities. These actions

aim to secure long-term change on accommodation and improved access to services, better living standards and better representation.

- 3.3 COSLA will be accountable for supporting the majority of actions to be taken forward by local authorities. As part of the plan delivery arrangements, it is expected that all local authorities will implement agreed actions in a way that is relevant to and best meets local needs.
- 3.4 Some progress has been made on the allocation of resources to support the Action Plan. COSLA has recruited a Policy and Participation Officer to progress a number of priority activities for local government, including work to deliver a Local Leaders network and to track and monitor progress in implementing the plan at a local level. It is likely that a further £10k will be allocated for community research and engagement.
- 3.5 On 14 January 2019, the Scottish Parliament passed a motion with cross-party support recognising the human rights aspect of the plan and the importance of partnership work with local government.

4. ACTIONS FOR LOCAL GOVERNMENT

- 4.1 The Action Plan will focus on five areas that will deliver better outcomes for the Gypsy/Traveller community: *more and better accommodation; improving access to public services; better incomes in and out of work; tackling racism and discrimination; and improvement Gypsy/Traveller representation*. These actions will be taken forward across local government and will involve a range of service areas including housing, planning, education and children's services. The actions will also involve NHS Scotland and Health and Social Care Partnerships. The Community Wellbeing Board of COSLA will support the majority of actions relevant to local government but some actions will be overseen by the Children and Young People Board and the Health and Social Care Board.
- 4.2 Although the Action Plan is at an early stage, COSLA has made some progress on the development of Delivery Plans with actions related to "*more and better accommodation*" being taken forward as a priority. These include:
 - setting aside £2m in 2020/21 for immediate improvements to existing public sector Gypsy/Traveller sites across Scotland.
 - reviewing the funding arrangements for investment in Gypsy/Traveller sites through local authority Strategic Housing Investment Plans (SHIP).
 - strengthening the local approach to assessing Gypsy/Traveller accommodation needs as part of the Housing Needs and Demand Assessment (HNDA).
 - working with Gypsy/Traveller communities to gain a better understanding of their accommodation needs and preferences.
 - working with the Scottish Housing Regulator to ensure that public sector sites meet a National Minimum Standard.

- reviewing national planning policy to ensure that Gypsy/Travellers have a stronger voice, at both national and local level, in guiding the future development of their places.

4.3 A key early priority of the Action Plan has been for COSLA to work with a small number of local authorities to develop and test positive approaches to managing unauthorised encampments and developing learning and recommendations for consideration across local government. On 15 August 2019, Elected Members received a brief from the Acting Head of Housing and Property on the Negotiated Stopping Pilot.

5. NEGOTIATED STOPPING

5.1 Managed - or negotiated - stopping for Gypsy/Travellers is based on a successful model implemented by Leeds City Council. It is seen as an alternative to the traditional enforcement based approach to 'unauthorised' encampments. The approach involves open dialogue and negotiation between the Council and Gypsy/Travellers who pass through the area. The purpose is to enable Gypsy/Travellers to stay for an agreed limited period of time – the Leeds model specifies 28 days – on the condition that they adhere to a Code of Conduct specified by the Council. Following the departure of the encampment, the stopping place would not be used by any travellers for a specified period – the Leeds model specifies 12 months.

5.2 Negotiated stopping can offer potential benefits to both the settled and travelling communities by reducing the number of 'unauthorised' encampments at unsuitable locations, while still supporting the preservation of the Gypsy/Traveller culture. This approach enables local authorities, where appropriate, to move Gypsy Travellers to a negotiated stopping place if there is suitable space available. Studies of the 'Leeds' model have reported benefits such as cost savings in relation to moving on unauthorised encampments, better community cohesion by breaking down negative stereotypes, reduced instances of anti-social behaviour and better access to services, such as education and health, for Gypsy Travellers.

6. MORAY APPROACH TO GYPSY/TRAVELLERS' ACCOMMODATION

6.1 Moray does not formally provide halting or stopping places for Gypsy/Travellers. For a number of years, the Council's approach to Gypsy/Travellers' accommodation has centred on the management of unauthorised encampments. The Council's *Protocol and Guidelines for the Response to Unauthorised Encampments* is in some ways similar to the Negotiating Stopping model in that it recognises that Gypsy/Travellers may continue to occupy places which are not considered unsuitable as long as they comply with a Code of Conduct. The Code requires that they behave responsibly, do not engage in antisocial behaviour and generally look after the site. It also provides a structured and multi-agency approach to dealing with unauthorised encampments.

6.2 The Council actively manages unauthorised encampments to ensure that the Code of Conduct is upheld. This function is delivered by a part-time Gypsy/Traveller Liaison Officer based in the Housing Service. The Council may seek eviction if the site is considered unsuitable or if there is a breach of the Code which cannot otherwise be addressed. However, as there are no

authorised sites in Moray, the Council cannot direct Gypsy/Travellers to any other site in the area following eviction. Similarly, the Council has not been in a position to suggest no return to a site within a fixed period as is the case with the Leeds model.

- 6.3 Unauthorised encampments in Moray tend to occur in a small number of regularly used places. These are often on publicly owned land (Moray Council/Highlands and Islands Enterprise), and often on industrial land. There were 57 encampments in 2013/14 but the number has significantly reduced in recent years with 20 in 2017/18 and 25 in 2018/19. To date there have been 26 in 2019/20.
- 6.4 In 7 December 2010, following public consultation, this Committee rejected proposals for halting sites at various locations in Moray (paragraph 5 of the Minute refers). This followed an extensive assessment by officers of available land for suitable sites.
- 6.5 In 2016, a Moray family was granted planning permission on appeal for a Gypsy/Traveller site at Doohill. The decision by a government appointed reporter was partially based on the lack of authorised halting sites in Moray and the disadvantage this would cause to the family in continuing their way of life.
- 6.6 In 2017, in conjunction with Aberdeen City and Aberdeenshire Councils, Moray Council commissioned a Grampian Gypsy/Traveller Accommodation Needs Assessment. The research was carried out by the University of Aberdeen and Grampian Region Equality Council (GREC) and completed in March 2018. Although the research does not provide a definitive number of sites required, the researchers estimated that a site for 6 pitches somewhere in Moray would be justified. They also suggested that the identification of potential Gypsy/Traveller sites should be considered as part of Local Development Plan land designation decisions.
- 6.7 The GREC research was reflected in the Council's Housing Needs and Demand Assessment (2018) which provided the evidence base for the Local Housing Strategy (LHS) 2019. The LHS identified the outcome "*Gypsies/ Travellers have access to appropriate short and long term accommodation to meet their needs*" but recognised that the allocation of suitable sites would be identified in the Local Development Plan. The proposed Moray Local Development Plan 2019 indicates that proposals for Gypsy/Traveller sites, whether halting or permanent, will be favourably considered where the proposal is in accordance planning policy and where there is an identified need and an accepted shortfall in provision. The plan, however, does not designate any land for sites.

7. THE NEGOTIATED STOPPING PLACES PILOT

- 7.1 Along with East Ayrshire, Perth and Kinross, West Dunbartonshire and Highland, Moray has been identified by COSLA as one of the five local authorities to participate in the Negotiated Stopping Pilot. The Pilot will consider and examine:

➤ the approaches to managing encampments in five local authorities;

- the testing of ways of working – including policy/operational changes and whether the Negotiated Stopping model is effective in local areas;
- the challenges local authorities may face in implementing Negotiated Stopping and the support they may need from partners;
- ways of improving and increasing engagement between local authorities and Gypsy Traveller communities on a local level;
- regional / pan-local authority approaches;
- cost savings from implementing negotiated stopping;
- ways of support politicians to understand the issues and to communicate the benefits of new approaches to local communities; and
- Gypsy/Travellers' experiences of current approaches and service needs.

- 7.2 The Action Plan clearly signals a new focus and priority being given to securing better outcomes for the Gypsy/Traveller community across a broad range of policies and services. Given the significance of the partnership between local and national government, as well as Ministerial and cross-party support, it is likely that an emerging national policy framework and new guidance will require local authorities, as part of their strategic housing function, to strengthen their approach to assessing and making provision for Gypsy/Travellers' accommodation.
- 7.3 In identifying a suitable form of accommodation, it is expected that the new guidance will require local authorities to take account of Gypsy/Traveller needs and preferences and to engage with the Gypsy/Traveller community in doing so. This assessment and engagement will inform the development of the Local Housing Strategies and their links and alignment with Local Development Plans. The Action Plan includes a review of housing investment programmes to ensure that Gypsy/Traveller needs are appropriately resourced. This would suggest that funding will be allocated to local authorities to meet these needs as part of their SHIPs and affordable housing programmes.
- 7.4 The pilot will produce recommendations to COSLA Leaders and Boards to inform policy/political decision-making but would also offer benefits to the local authorities who participate.
- 7.5 Participation in the pilot would enable the Council, including Members and officers, to consider if stopping places are an appropriate approach to addressing Gypsy/Traveller accommodation needs in Moray and to explore the local issues and drivers that may emerge. It will evaluate the Council's existing approach to managing encampments and identify improvements in local practice where appropriate. The pilot would present an opportunity for the Council to engage with the Gypsy/Traveller community to better understand their accommodation needs. This understanding can be used to inform the assessment of Gypsy/Traveller accommodation needs in Moray to be carried out as part of the development of the Council's LHS.
- 7.6 An important part of the pilot will be working with researchers and the Gypsy/Traveller community to map out traditional stopping places and travelling routes to consider if it would be practical to re-open them. This would give the Council an opportunity to assess the suitability of sites in Moray as potential stopping places.

- 7.7 Although there is no dedicated funding, COSLA will provide support and advice to participating local authorities and will work with them and key partners to evaluate and share learning from the pilot. COSLA intends for the pilot to be a 'light touch' initiative focusing on bringing people and agencies together to build capacity and networking between participating areas and to support engagement with Gypsy/Traveller communities. It is expected that COSLA's newly recruited Policy and Participation Officer will be the key resource for local authority participants. COSLA is also looking to draw in support from third sector partners.
- 7.8 The findings and recommendations of the pilot will be shared across COSLA's political leadership and will be considered by the Ministerial Working Group on Gypsy/Travellers and with the Scottish Parliament's Cross Party Group on Gypsy/Travellers.

8. SUMMARY OF IMPLICATIONS

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))

The LHS focuses on a set of outcomes that contribute to the achievement of the Council's wider strategic aims and priorities of the Corporate Plan.

(b) Policy and Legal

Work on the Action Plan may have implications for local policy and practice in managing Gypsy/Traveller encampments. Participation in the Negotiated Stopping pilot will enable the Council to evaluate its local approach in the context of the emerging national policy framework.

(c) Financial implications

There are no immediate financial implications arising from this report. Progress on the outcomes of the Action Plan may require changes to the Council's approach to providing and managing Gypsy/Traveller accommodation. This could have an implication for Council budgets.

(d) Risk Implications

The pilot will consider the risks associated with sites in Moray that may be considered as halting places.

(e) Staffing Implications

There are no major staffing implications arising directly from this report. It is anticipated that the "light touch" approach to participation in the negotiated stopping pilot would be accommodated from within existing staffing resources.

(f) Property

There are no property requirements/implications arising directly from this report.

(g) Equalities/Socio Economic Impact

The housing needs of equalities groups are identified in the LHS. Gypsy/Travellers are a recognised ethnicity within equalities legislation. The Council to assess the housing needs of all equalities groups as part of the development of the LHS. When balancing the needs of the various

equalities groups, consideration should be given to the vulnerability of Gypsy/Travellers and the relevance of stopping/halting places to the Council's public sector equality duties.

(h) Consultations

Consultation on this report has taken place with the Depute Chief Executive (Economy, Environment and Finance), the Chief Officer of Moray Integration Joint Board, the Acting Housing Strategy and Development Manager, the Housing Services Manager, Deborah O'Shea (Principal Accountant), Morag Smith (Legal Services Solicitor), Equal Opportunities Officer, Caroline Howie (Committee Services Officer) and any comments have been incorporated into the report.

9. CONCLUSION

- 9.1 The report provides details of the joint Action Plan agreed by the Scottish Government for the improvement of the lives of Gypsy/Travellers in Scotland. The report sets out implications for the Council's approach to assessing and meeting the accommodation of Gypsy/Travellers in Moray and recommends participation in COSLA's Negotiated Stopping pilot.**

Author of Report: Graeme Davidson, Acting Head of Housing and Property Services

Background Papers: with author

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