

# **Stirling Council**

## **Gypsy/Travellers: Guidelines on Unauthorised Encampments**

### **1. Introduction**

The Ninth Term Report of the Advisory Committee on Scotland's Travelling People recommends that each local authority should adopt specific methods for dealing with unauthorised encampments.

Adherence to the guidelines should ensure that Stirling Council, Police Scotland and other key stakeholders adopt a consistent and equitable approach to unauthorised encampments. These guidelines will be reviewed and agreed in consultation with Police Scotland and other partners in Stirling's Gypsy/Travellers Working Group.

A copy of the guidelines will be available from the following sources:

- Coreen McNeil: Team Leader, Tenancy Management (01786 237750)
- John McNee: Travelling Persons Site Manager (01786 449591 / 07717 545112)

### **2. The Legal Position**

The Council has the power to remove trespassers using the common law power of ejection of persons occupying land without right to title.

The legal requirement is that the person seeking the order of eviction is the owner of the land and the occupier has no right or title to it.

### **3. Notification of Illegal Encampments**

In the first instance the Council's Travelling Persons Site Manager should be notified of all unauthorised encampments in the Stirling Council area.

The Site Manager can be contacted at Bridgend Park, Craigforth, Stirling.

### **4. Standards of Behaviour Expected on Unauthorised Encampments**

The standards of behaviour expected from Gypsy/Travellers on unauthorised encampments should be the same as those applied to all other communities.

This includes:

- using bin bags provided by the Council for all refuse;
- not dumping or burning rubbish;
- keeping all animals under control;
- parking all vehicles safely;
- not using intimidating behaviour;
- not damaging the land or the environment.

## **5. Monitoring**

The Site Manager will record all actions in relation to each unauthorised encampment, using the Traveller Encampment Report Template, and will ensure details are retained for all requests for help or advice from other partner agencies.

## **6. Unauthorised Encampment on Private Land**

The Site Manager will advise the landowner that Stirling Council will only be responsible for the welfare needs of the Gypsy/Travellers at the location.

Any private landowner will be solely responsible for deciding whether or not an encampment can remain on their land. If an encampment cannot remain, the owner must pursue their own civil proceedings for removal.

## **7. Unauthorised Encampment on Council Land**

Once notification of an unauthorised encampment has been received by the Site Manager, the encampment will be visited as quickly as possible and copies of these guidelines will be issued.

Records will be kept of:

- date and time of the original notification;
- name and address of the caller;
- location of the encampment;
- number of caravans and other vehicles involved;
- names (if possible) and approximate ages of people in the caravans;
- where the Gypsy/Travellers have come from;
- where the Gypsy/Travellers are going to next;
- anticipated/ actual length of stay in the area; and
- any health, education or social services issues.

A short-term supply of bin bags will be provided and arrangements made for refuse to be collected from the site when the Gypsy/Travellers have moved on. The local elected member, the Team Leader, Tenancy Management and the Service Manager (Housing) will be informed of the unauthorised encampment and the actions to be taken.

If the Gypsy/Travellers only want to stay in the area for a short period of time (e.g. overnight or weekends) and it is judged that they are unlikely to cause disruption or damage during their stay, a departure date will be negotiated. Staying beyond this agreed departure date will trigger eviction.

If there are vacant pitches available at the Bridgend Site, the Site Manager will offer the use of these Council facilities for the duration of the stay. No charge would be levied if the stay lasts less than 10 days. However, Gypsy/Travellers would require to purchase electricity power cards and these are available at Bridgend Park.

If requested, the Site Manager will contact the following on the Gypsy/Travellers' behalf:

- local health visitor;
- local GP;

- local Social Work office;
- local Gypsy/Travellers Education Officer;
- benefits advice workers; or
- any other appropriate services requested.

## **8. Proceeding with Eviction**

There will always be situations where it is not possible for an unauthorised encampment to remain and where legal action needs to be taken. This could be because of:

- crime and disorder associated with the site;
- damage or littering
- camping on unsuitable sites such as school playing fields or private car parks; or
- refusing to move on after the agreed time, etc.

Where the above situations arise, prompt action will be taken to secure possession of the site.

If it is agreed that there are sufficient grounds for eviction from the site, the Site Manager will serve a Notice to Quit. This will require vacation of the site within 24 hours.

If the occupation of the site continues, the Site Manager will instruct Legal Services to raise an Action for Eviction. Once the summons has been warranted, Sheriff Officers will serve a copy on the Gypsy/Travellers.

If the Court grants a decree for ejection, Legal Services will write to the Gypsy/Travellers informing them of the decree and requesting them to remove immediately.

If the site continues to be occupied, the Sheriff Officers will be instructed to proceed with eviction.

## **9. Media**

Client confidentiality is a key principle. As a result, staff will not discuss any issues in relation to unauthorised encampments or Gypsy/Travellers to the media. All media enquiries will be referred to the Council's Communications Team (Press and Public Affairs).

## Procedure for Managing Unauthorised Encampments

