

# PERTH AND KINROSS COUNCIL

## Housing and Communities Committee

15 May 2019

### Participation in Negotiated Stopping Places

#### Report by Executive Director (Housing and Environment) (Report No. 19/145)

This report seeks committee approval to participate in a Negotiated Stopping Places pilot for Gypsy/Travellers. This will inform future policy decisions relating to managing temporary encampments and enable full consideration of a managed stopping sites process.

#### 1. BACKGROUND / MAIN ISSUES

- 1.1 Perth and Kinross has traditionally been an area that Gypsy/Traveller communities have lived in or travelled through. The Scottish Census figures for 2011 included “Gypsy Traveller” as a classification. The results, released in September 2013, recorded 4,212 Gypsy/Travellers nationally, with the highest individual local authority population of 415 in Perth and Kinross.
- 1.2 As members of society, Gypsy/Travellers are covered by all general legislation. The Council has a responsibility to provide services to all members of the community, including those travelling through the area temporarily.
- 1.3 Perth and Kinross Council’s current Gypsy/Traveller Strategy was approved by Housing and Communities Committee in 2018 (Report No 18/258 refers). One of the five key themes within the strategy is “site provision” with a specific commitment that the Council will:  
*“revise our policy relating to managing temporary encampments and will consider a managed stopping sites process within that”.*
- 1.4 In January 2018, the Scottish Government established a Gypsy/Travellers Ministerial Working Group. The remit of the Group is to drive forward cross government actions to improve the lives of Scottish Gypsy/Traveller communities.
- 1.5 COSLA is working with the Scottish Government to ascertain whether the use of negotiated stopping places could help strengthen and support implementation of national guidance on managing unauthorised encampments in Scotland.
- 1.6 A managed – or negotiated - stopping places pilot has been discussed at a national level with the Scottish Government and CoSLA. Notes of interest have been sought from local authorities in adopting such an approach, based on a successful model from Leeds City Council and a partner organisation, LeedsGate [www.leedsgate.co.uk/negotiated-stopping](http://www.leedsgate.co.uk/negotiated-stopping).

- 1.7 Officers indicated Perth & Kinross Council's willingness to participate in the pilot, based on approval of 1.3 above.

## **2. PROPOSALS**

- 2.1 Negotiated stopping places are 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, while adhering to a code of conduct specified by the Council (Appendix 1).
- 2.2 Negotiated stopping sites offer potential benefits to both the settled and travelling community by reducing the number of 'unauthorised' encampments at unsuitable locations, while still supporting the preservation of the Gypsy/ Traveller culture.
- 2.3 It is estimated that there are approximately 10-12 unauthorised encampments across Perth and Kinross each year. We currently have robust processes in place to work, across all Council services, with the Gypsy/Travellers in this situation. Negotiated stopping would involve the following steps:
- i) when an encampment moves into the area, an initial approach is made by a named officer to determine whether the family is likely to work with the Council.
  - ii) the named officer will establish if the site is suitable for negotiated stopping using the criteria outlined in Appendix 2. Where the land is not suitable, the individual/family will be redirected to the nearest suitable negotiated stopover site as agreed by the Council's Lead Officer.
  - iii) following approval, a negotiated stopping place agreement will be entered into by each individual family unit. The maximum length of stay on the stopping site will be 28 days.
  - iv) the stopping place will be monitored by officers at least once a week. If the agreement is breached, the family responsible will be asked to leave.
  - v) following the departure of the encampment, the site will not be used to accommodate negotiated stopping for a period of twelve months.
- 2.4 This approach enables the Council, where appropriate, to move Gypsy/Travellers to a negotiated stopping place, where there is suitable space available.
- 2.5 It is essential that there is effective communication and engagement with a wide range of stakeholders where suitable negotiated stopping takes place.

2.6 The approach set out within this report would not replace the Council's right to evict Gypsy/Travellers:

- from within the confines of an adopted road under the Road (Scotland) Act, 1984 (as amended), or,
- from places where negotiated stopping is not appropriate, or,
- where negotiated stopping is identified, but an agreement has not been entered into by the Gypsy/Travellers.

2.7 Where it is necessary to take enforcement action (Appendix 3) indications from Legal Services are that the timescale from arrival on site to removal would be a minimum of two weeks.

2.8 The approach would be piloted over a period of 6 months from August 2019.

### **3. BENEFITS OF THE PROPOSAL**

3.1 Studies from the 'Leedsgate' model have evidenced 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 Gypsy/Travellers having better access to services, such as education and health.

3.2 The associated cost of enforcement action is approximately £1,500, not including staff costs and time.

3.3 The pilot has the potential to result in staff productivity gain by operating in a proactive rather than reactive way. Officers within Housing and Environment, and Legal Services estimate that enforcement equates to 34 staff hours per case.

3.4 The proposal would allow the Council to meet the commitment outlined within the Gypsy/Traveller Strategy to consider a managed stopping sites process.

### **4. CONCLUSION AND RECOMMENDATIONS**

4.1 It is important that we meet our responsibilities to provide suitable services and improve the lives of our Gypsy/Traveller communities. Participation in the pilot will allow us to consider and evaluate the benefits and risks of fully introducing negotiated stopping within Perth and Kinross.

4.2 It is recommended that Committee:

- i) approves the proposal to participate in the Negotiated Stopping Pilot from August 2019 for a period of 6 months.
- ii) requests the Executive Director (Housing & Environment) to submit a further update to Committee detailing the outcomes of the pilot and making recommendations for future provision.

**Authors**

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**Approved**

<b>Name</b>	<b>Designation</b>	<b>Date</b>
Barbara Renton	Executive Director (Housing and Environment)	18 April 2019

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## 1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

<b>Strategic Implications</b>	<b>Yes / None</b>
Community Plan	<b>Yes</b>
Corporate Plan	<b>Yes</b>
<b>Resource Implications</b>	
Financial	<b>Yes</b>
Workforce	<b>Yes</b>
Asset Management (land, property, IST)	<b>None</b>
<b>Assessments</b>	
Equality Impact Assessment	<b>Yes</b>
Strategic Environmental Assessment	<b>None</b>
Sustainability (community, economic, environmental)	<b>None</b>
Legal and Governance	<b>Yes</b>
Risk	<b>Yes</b>
<b>Consultation</b>	
Internal	<b>Yes</b>
External	<b>No</b>
<b>Communication</b>	
Communications Plan	<b>Yes</b>

### 1. Strategic Implications

#### Community Plan

- 1.1 This report supports Perth and Kinross Community Plan in terms of the following priorities:

- i) Giving every child the best start in life
- ii) Developing educated, responsible and informed citizens
- iii) Promoting a prosperous, inclusive and sustainable economy
- iv) Supporting people to lead independent, healthy and active lives
- v) Creating a safe and sustainable place for future generations

#### Corporate Plan

- 1.2 This reports supports the achievement of the Council's Corporate Plan Priorities:

- i) Giving every child the best start in life;
- ii) Developing educated, responsible and informed citizens;
- iii) Promoting a prosperous, inclusive and sustainable economy;
- iv) Supporting people to lead independent, healthy and active lives; and
- v) Creating a safe and sustainable place for future generations.

## 2. Resource Implications

### Financial

- 2.1 There will be costs associated it is unclear what additional financial costs there will be from participating in the pilot. However, the costs will be mitigated by a reduction in the costs of officer time and potential legal expenses.

### Workforce

- 2.2 There are no workforce management issues as work will be managed for the duration of the pilot from within existing resources.

### Asset Management (land, property, IT)

- 2.3 There are no additional asset management implications arising as a result of this report at this time. Any new proposed developments which arise in the future will be subject to the relevant approval process at that time.

## 3. Assessments

- 3.1 Under the Equality Act 2010, the Council is required to eliminate discrimination, advance equality of opportunity, and foster good relations between equality groups. Carrying out Equality Impact Assessments for plans and policies allows the Council to demonstrate that it is meeting these duties.
- 3.2 This section should reflect that the proposals have been considered under the Corporate Equalities Impact Assessment process (EqIA) with the following outcome:

- (i) Assessed as **relevant** and the following positive outcomes expected following implementation:
- Provision of appropriate information and access to appropriate services
  - Increased engagement with all members of of the Gypsy/Traveller community regardless of gender
  - Improved service for those taking account of their disability or age-related requirements as appropriate

## 4. Consultation

### Internal

- 4.1 Relevant colleagues within Planning and Legal Services have been consulted.

## 5. Communication

- 5.1 There are no immediate communication requirements arising from this report. Communication will take place when negotiated stopping is agreed.

## **2. BACKGROUND PAPERS**

- 2.1 No background papers were relied upon during the preparation of this report.

## **3. APPENDICES**

- 3.1 Appendix 1: Code of Conduct.  
3.2 Appendix 2: Negotiated Stopping Site Criteria.  
3.3 Appendix 3: Unauthorised Encampments – Legal Procedure