Procedure for the Management of Gypsy/Traveller Encampments

1.0 Purpose

1.1 The purpose of this document is to give clear guidelines on the procedures to be followed by Aberdeenshire Council and its partner organisations when responding to Gypsy/Traveller encampments in Aberdeenshire. These guidelines provide the framework for a consistent and balanced approach towards Gypsy/Traveller encampments. These guidelines apply to those who consider themselves to be part of those ethnic communities known as Roma/Romany (Gypsies of Eastern European origin), English, Irish, Welsh and Scottish Travellers. They do not apply to New Age Travellers nor to Travelling (Fairground) Showmen (i.e. Occupational Travellers), as other legislation is applicable.

2.0 Background

2.1 The Equal Opportunities Committee of the Scottish Government produced a report in the summer of 2001 on Gypsy/Travellers and public sector policies.

2.2 In its report, the Equal Opportunities Committee recognised the lack of awareness of the Gypsy/Travellers' lifestyle/culture and the discrimination at both an individual and institutional level, faced by many Gypsy/Traveller families. The report also looked at how public sector policies related to Gypsy/Travellers. The aim of that inquiry was to provide the basis for practical proposals and examples of best practice. One of the Committee's recommendations was that national guidelines should be prepared on the management of unauthorised camping. The Scottish Government issued national guidelines in 2004 which were last reviewed in 2017. A report on Research on Learning from the Negotiated Stopping Approach to Supporting Roadside Camps in Scotland was produced in 2025. The principles of this report have been reflected in this procedure where appropriate.

2.3 This document has been produced to provide a co-ordinated and coherent approach to Gypsy/Traveller encampments which takes into account relevant guidance on this subject.

2.4 Gypsy/Traveller encampments can sometimes give rise to friction with local communities if the site is in an inappropriate location or is not being maintained in an orderly manner. Gypsy/Travellers have a responsibility to behave in a responsible way in the same way that the settled community is expected to behave. Unauthorised camping requires sensitive and proportionate handling by all concerned and can be a difficult issue to resolve.

3.0 The Aberdeenshire Context

3.1 This procedure reflects the challenges which exist in Aberdeenshire in the context of provision for Gypsy/Travellers. The Grampian Gypsy/Traveller Accommodation Needs Assessment which took place in 2017, suggested that there is a demand for a range of provision, but the most desirable type of site is local authority provided sites. This was further supported by research carried out by Grampian Regional Equalities Council (GREC) on 'Accommodation Needs of Ethnic Minorities, Gypsy/Travellers and Travelling Showpeople (2022)' as part of the Housing Needs and Demands Assessment 2023 – 2028. A desire was expressed for a site to be established in Central Aberdeenshire.

There are currently two council owned Gypsy/Traveller sites in Aberdeenshire: Aikey Brae near Maud and Greenbanks in Banff.

3.2 A number of different agencies i.e. the Council, Police Scotland, Scottish Fire & Rescue Service and NHS Grampian are involved with Gypsy/Travellers on Gypsy/Traveller encampments.

3.3 Aberdeenshire Council's Gypsy/Traveller Sub-Committee meets on a regular basis and comprises of Elected Members and officers from services within the Council and includes partner agencies. In

addition to the Sub-Committee, the Gypsy/Traveller Officer Group meets quarterly to monitor and progress the outcomes and actions in the Gypsy/Traveller Action Plan and reports progress back to the Gypsy/Traveller Sub-Committee.

3.4 The Council employs a Gypsy/Traveller Liaison Officer (GTLO) who assess the needs of Gypsy/Travellers – health, housing, education, welfare and also liaises with the Gypsy/Travellers with regard to issues which affect them.

4.0 The Legal Framework

4.1 The legal framework consists principally of:

- The Race Relations Act 1976 as amended by the Race Relations (Amendment) Act 2000
- The European Convention on Human Rights
- The Human Rights Act 1998
- The Trespass (Scotland) Act 1865
- The Criminal Justice and Public Order Act 1994
- Equality Act 2010
- Children (Scotland) Act 1995
- The Children & Young People (Scotland) Act 2014

5.0 Roles and Responsibilities

5.1 Aberdeenshire Council and partner agencies have wide ranging roles. Each of these agencies will be required to monitor, update and share relevant information as necessary, subject to the constraints of the Data Protection legislation. Aberdeenshire Council and NHS Grampian will ensure that they provide appropriate services to Gypsy/Travellers, whilst at the same time fulfilling their statutory duties, including in the case of the Council, the use of enforcement powers where appropriate. The GTLO has an important role to play in terms of liaising between Gypsy/Travellers and other agencies and in terms of training, awareness raising and consultation on Gypsy/Travellers issues.

5.2 Gypsy/Travellers can experience difficulties in gaining access to education, health and community services. A multi-agency approach adopted in Aberdeenshire provides an opportunity to work in partnership to minimise these difficulties.

5.3 Gypsy/Travellers, like other members of the community, have a responsibility to look after land they use and respect the rights of others. Gypsy/Travellers require to abide by the Code of Conduct for Gypsy/Traveller Encampments

5.4 If the Code of Conduct is being persistently breached or a particular breach is deemed serious or significant by the Council's GTLO, a Multi-Agency meeting will be conveyed.

6.0 Principles of the Approach to Gypsy/Traveller Encampments

6.1 It is important to recognise that until such time as additional authorised sites are established in Aberdeenshire, all encampments in Aberdeenshire will be considered to be unofficial (other than the Council sites at Aikey Brae, Maud and Greenbanks, Banff and private sites throughout Aberdeenshire). It is the Council's intention, in conjunction with private landowners and developers, to provide a network of sites in Aberdeenshire.

6.2 Aberdeenshire Council recognises Gypsy/Travellers right to a nomadic life and respects the fact that Gypsy/Travellers may wish to maintain a travelling way of life. Camping is seen as an expression of the Gypsy/Travellers' cultural identity. Public agencies acknowledge that there should be no discrimination against Gypsy/Travellers because of their way of life and culture. However, the Council acknowledges the concerns and anxieties of the settled community in relation to some

Gypsy/Traveller encampments. The same standards of behaviour should be expected from all members of the community.

6.3 Aberdeenshire Council is a major landowner in the Aberdeenshire area. The Council will not evict Gypsy/Travellers from the land that it owns or manages without due cause. Any eviction will be pursued in accordance with these guidelines and will take into account the needs and rights of the settled community and the rights of Gypsy/Travellers to a nomadic life. The Council will ensure that it fulfils its statutory duties in respect of both the settled community and Gypsy/Travellers.

6.4 In considering whether a particular course of enforcement action should be taken against an encampment, the roles of Police Scotland and the Procurator Fiscal need to be borne in mind, in addition to the role of Aberdeenshire Council.

6.5 In 2004, the Lord Advocate issued an instruction to Procurators Fiscal stating that **there is a presumption against prosecution where the sole issue in relation to an encampment is the physical occupation of land by Gypsy/Travellers,** rather than activities which are regarded as criminal irrespective, of the context. It is important to note that Police Scotland has indicated that a failure by a Local Authority to make provision for the needs of Gypsy/Travellers will reinforce this presumption. This presumption has a significant bearing on the options available to deal with Gypsy/Traveller encampments. The presumption can however be overridden in certain circumstances and action may be taken:

- Where a suitable alternative stopping place has been identified and Gypsy/Travellers have refused to relocate within a reasonable time. (Police Scotland considers it to be the responsibility of the Local Authority to identify a suitable alternative stopping place, e.g. an approved Stopover or Transit Site). Gypsy/Travellers cannot be compelled to move to an official site.
- Where the use of a particular site by Gypsy/Travellers involves:
  - a road safety or public health hazard;
  - severe public disruption;
  - criminal activity;
  - the same Gypsy/Travellers who have been repeatedly moved on from the same site only to return.

6.6 Generally, action or prosecution for trespass offences by Police Scotland will be considered only as a last resort, when all other options including civil enforcement have been exhausted.

7.0 Procedure for dealing with Gypsy/Traveller encampments

7.1 Communication is a key issue when dealing with Gypsy/Traveller encampments. In order to facilitate communication and to promote consistency of approach, each relevant agency has named contacts for dealing with unauthorised camps. The GTLO will maintain a list of contacts with responsibility for a range of issues associated with Gypsy/Travellers.

7.2 Good working relations between agencies are essential. Officers must be aware of the problems that encampments can cause to local communities, whilst at the same time recognising the difficulties that Gypsy/Travellers can experience when residing in unauthorised encampments, which may limit their access to services such as education, health and community services.

7.3 Reports regarding Gypsy/Traveller encampments are distinguished from complaints. Reports will simply advise of the existence of an encampment, whereas complaints will raise an issue regarding the conduct of those encamped or of the impact of the Gypsy/Traveller encampment. When a complaint or report of an unofficial camp is received, the following procedure will be followed (Note: items a) to d) apply to Council and privately owned land):

a) **Logging the Report/Complaint** – On receiving a report/complaint about a Gypsy/Traveller encampment, the GTLO will maintain a record of all the information received relating to the encampment, which can be referred to later. If the issue is urgent, communication will be by

phone. Staff will also pass on any information they may have regarding the ownership of the area of land where the camp is located.

b) **Determining Ownership** - Ownership of the land will be established with the relevant services in the Council. The GTLO will investigate this with, for example, Infrastructure Services or Business Services (Legal and People).

c) **Initial Visit** – The GTLO will visit the encampment within two working days of receiving the report/complaint. The GTLO will explain to the Gypsy/Travellers the procedure for dealing with unauthorised encampments and will issue a copy of the Code of Conduct. The GTLO will explain the Code of Conduct to the Gypsy/Travellers and will also advise that a breach of the Code of Conduct will result in enforcement action, including where appropriate, eviction. The GTLO will also advise that where Gypsy/Travellers are moved on for a breach of the Code of Conduct, they will not be permitted to return to that encampment. The Gypsy/Travellers will be advised of any availability of pitches at Aikey Brae, Maud and Greenbanks in Banff. The GTLO will complete a Checklist for Gypsy/Traveller Encampments.

d) **Assessment** – After visiting the encampment, the GTLO will contact relevant services as necessary. The GTLO will record information on those living at the encampment on the Checklist for Gypsy/Traveller Encampments and, together with other appropriate agencies will consider the nature of the encampment, and the implications of it remaining.

The following issues will be considered **(*in no order of priority or concern***):

- Impact on the environment and the amenity of the area.
- Impact of the encampment on the normal operational use of the land and on the community (e.g. does it prevent the proper use of a layby or is the provision of services affected).
- Compliance with the Code of Conduct including any complaints from the surrounding residents/owners and any police involvement regarding criminality on the site.
- The condition of the site (e.g. rubbish or health impact).
- The location of the encampment.
- The number of vehicles included in the encampment in relation to the capacity of the area. Special consideration will be given to mass gatherings, which are usually of limited duration and bring together Gypsy/Travellers families for specific events such as weddings, births and funerals.
- The intended length of stay.
- Road Safety (i.e. the Road Traffic Act).
- Any special needs (e.g. health).
- Any other relevant information such as the welfare and educational needs of children, physical or mental health needs.

Legitimate concerns expressed to the Council by members of the public will be taken into account as part of the assessment process.

No maximum number of caravans per encampment nor maximum length of stay is specified. Each encampment will be considered on its impact, individual capacity, location, ground conditions, safety issues, the number of caravans present and any other relevant issues. Issues can arise irrespective of the size and duration of an encampment and any action taken by the Council will depend upon consideration of all relevant issues.

Where the encampment may lead to a potentially dangerous situations e.g. serious tensions between the communities, the Police will be advised immediately.

e) **Council Land**: The GTLO will contact the section of the Council which manages the land after the initial visit has been made, to advise them of the encampment. The GTLO will ascertain if the encampment is considered to be on a site which is wholly unsuitable because of its location. This would include for instance, Sites of Special Scientific Interest; sites where pollution could damage water courses/the water supply, sites affected by land contamination

and sites which present a serious threat to road safety or the safety of other users. In addition, the following sites are deemed as unsuitable locations for encampments in Aberdeenshire:

Action will be taken by Aberdeenshire Council to move on Gypsy/Traveller encampments established in unsuitable locations on land owned by the Council.

Lay-bys

If a Gypsy/Traveller encampment occupies a lay-by, the Council can serve a notice under the Roads (Scotland) Act 1984, to remove the encampment. The Council often does not own the solum below the lay-by and therefore cannot pursue civil eviction. If the Gypsy/Travellers do not move following serving of the notice, the Council then has the power to move them. The Trespass (Scotland) Act 1865 cannot be used if the land in question is on the list of public highways.

f) **Private Land:** The GTLO will contact the private landowner (if known) after the initial visit has been made if there is a Gypsy/Traveller encampment on their land. If requested, the GTLO will provide the private landowner with a copy of this procedure. The landowner will be informed about powers available to deal with the encampment. Eviction from private land is the responsibility of the landowner. Similarly, if the encampment is on land not owned by the Council, although it may be controlled or maintained by them, civil eviction action can only be taken by the landowner.

Aberdeenshire Council and Police Scotland can take enforcement action related to particular behaviours e.g. fly-tipping, should there be sufficient evidence to identify the individual culprits. If the landowner permits the Gypsy/Travellers to remain on the land they need to be aware of the requirements under Planning legislation and the Caravan Sites and Control of Development Act 1960.

The GTLO will continue to visit and monitor the encampment and liaise with owners and occupiers of the land. The responsibility for removing any fly tipped material/litter left on site lies with the landowner but the Council will provide as much support and advice as it can and where appropriate provide assistance in ensuring the site is cleaned after the site is vacated.

g) **Advice and Information** – The GTLO will advise the Gypsy/Travellers of relevant information, e.g. waste disposal facilities, and will advise on service provision such as refuse collection. Contacts for information on services, e.g. education, health, and information about the two Council owned sites in Aberdeenshire will be supplied. The GTLO will identify the needs of the Gypsy/Travellers and thereafter try to address those needs.

h) **Managing Information Obtained about a Gypsy/Traveller encampment** – Using the Checklist for Gypsy/Traveller Encampments, the GTLO will give recommendations on future actions to the owning service and other interested parties and relevant agencies.

i) **Facilities** – When it has been initially agreed that the encampment will not face eviction action (on Council land), the GTLO will arrange for the provision of waste bins. Advice is also provided on the location of the nearest waste recycling centres. The GTLO will offer to provide facilities on private land, but this would be at the landowner's expense. Facilities will not be provided if the landowner objects.

j) **Enforcement Action** - Decisions regarding eviction action to be taken in connection with a Gypsy/Traveller encampment on Council owned land must be:

- Proper – in line with legislation and local policy and procedures.
- Reasonable – in light of the information available.
- Balanced – taking into account the respective needs of Gypsy/Travellers and the settled community.

- Proportionate – taking into account the location of the encampment, the needs/behaviour of the Gypsy/Travellers and the settled community.

Eviction action will be considered in the following circumstances:

- The Gypsy/Traveller encampment is on land deemed to be unacceptable (as per paragraph 7.3e).
- The Gypsy/Traveller encampment is having, or likely to have, a significant adverse impact on the local community or the environment.
- The Code of Conduct has been breached. Breaches of the Code of Conduct on Council owned/controlled land will be brought to the attention of the Gypsy/Travellers advising that should matters not be resolved or improved immediately, eviction action will be taken; should there be a serious breach of the Code, immediate eviction action would be taken.
- The full range of possible enforcement powers will be considered with regard to Gypsy/Traveller encampments on Council and private land, e.g. regarding fly-tipping under the Environmental Protection Act 1990, the Refuse Disposal Amenity Act 1978, and the other applicable legislation.
- Where appropriate, the Multi-Agency Management meeting will be arranged to deal with the Gypsy/Traveller encampment and/or particular unacceptable behaviours. Criminal behaviour on the part of the Gypsy/Travellers can be reported to Police Scotland who will deal with such complaints in accordance with standard operating procedures.
- Account of all relevant information will be taken into consideration before pursuing enforcement action.

k) **Communication of Decisions** – All actions to be taken by the Multi-Agency Management group will be recorded. Once a decision has been taken on the agreed actions, officers will make the Gypsy/Travellers on the encampment aware of the decision and the reasons for the ensuing actions.

l) **Inspection of Vacated Encampment** – When a site is vacated it will be inspected by the GTLO. Where remedial action (on Council owned/controlled land) is necessary as a result of the encampment, photographs will be taken, and the cost of remedial work noted in order to consider whether recharging the cost is possible/practicable. A written record of the composition of each Gypsy/Traveller encampment will be kept by the GTLO, including information on any damage caused by the encampment. Waste Services will be contacted to arrange for the land to be cleared/cleaned (on Council owned/controlled land). The GTLO will liaise with the landowner if the encampment has been on private land, and support and advice will be offered in order to clean up the site.

Code of Practice

Revision Date	Previous Revision Date	Summary of changes
17 July 2024	N/A	Updated to reflect additional site provision.
6th May 2025	17 July 2024	Updated to reflect Scottish Government guidance.
1st July 2026	6th May 2025	Reviewed.