

# **EAST AYRSHIRE COUNCIL**

**CABINET – 1 JUNE 2011**

## **PROVISION OF SERVICES TO GYPSY TRAVELLERS**

### **Report by the Depute Chief Executive/Executive Director of Neighbourhood Services**

#### **1. PURPOSE OF REPORT**

- 1.1** To update Cabinet on the work of the short term officers working group, convened to ensure that East Ayrshire Council is adequately fulfilling its public duty in respect of Gypsies /Travellers.
- 1.2** To present to Cabinet, for approval, a draft policy for Managing Gypsy/Traveller Unauthorised Encampments in East Ayrshire.
- 1.3** To update Cabinet on work that has taken place to identify a site within East Ayrshire for a transit site for Gypsies/Travellers and to recommend a preferred site for approval.

#### **2. BACKGROUND**

- 2.1** Since its inception, East Ayrshire Council has been committed to promoting equality of opportunity and this was further recognised in 2002 when the Council published its first Race Equality Scheme outlining its intention to eliminate unlawful discrimination and promote equality of opportunity and good relations between persons of different racial groups.
- 2.2** The commitment to equality of opportunity was further emphasised when the Council and its Partners adopted the first Community Plan in 2003. Since that time, the Guiding Principle of 'promoting social justice and social inclusion' has underpinned all Council and Community Planning activity. As part of the Community Plan Four-yearly Review 2010/11, the opportunity has been taken to make this commitment more explicit in terms of equalities by revising the Guiding Principle, as follows: 'Promoting equality of opportunity, social justice and social inclusion'.
- 2.3** The Council recognises that our Gypsy Traveller communities experience wide-ranging inequalities in Scotland and often have trouble accessing basic services; equally the Council acknowledges the need to improve engagement with our settled communities in this regard. To provide an effective response, the Council has a range of services in place to support Gypsy Travellers, in particular, the Council's Ethnic Minority Inclusion Project supports Gypsy Traveller children, young people and their families integrate within the education system, school and wider community.

- 2.4** In August 2006 Craigforth was jointly commissioned by Communities Scotland and 11 Local Authorities, including East Ayrshire Council, to conduct a wide-ranging accommodation needs assessment of Gypsy/Travellers in West Central Scotland.
- 2.5** The overall aim of this study was to identify and quantify Gypsy/Travellers accommodation needs over the next 5 years in West Central Scotland and provide some insight into likely longer term requirements.
- 2.6** The study suggested that there is a need for an additional 50 pitches on official sites across West Central Scotland. However, it was conceded that establishing where such provision should be provided is a major challenge.
- 2.7** Current and planned provision of sites for gypsy travellers in South West Scotland.

Local Authority	Official Site	Transit Sites Planned
East Ayrshire	None at present	None at present
North Ayrshire	Irvine (16 pitches)	
South Ayrshire	Girvan (8 pitches)	None at present but one is planned – planning permission denied for preferred transit site location. Regular unauthorised encampments (average 18 per year)
South Lanarkshire	Larkhall (21 pitches) East Kilbride (6 pitches) 2 private sites as well	
Dumfries Galloway	Dumfries (18 pitches) Newton Stewart (10 pitches)	

*Source: Craigforth Report*

- 2.8** The identified priorities for East Ayrshire, arising from the Craigforth report, were that the Council either develop a new all year round site or develop new transit provision as part of a joint strategy with North and South Ayrshire Councils.
- 2.9** Transit sites have been considered as a solution to unauthorised encampments by local authorities across the UK, where such encampments are seen to be a recurrent and perennial problem. These are provided by local authorities as temporary stopping places for Gypsy/Travellers arriving in an area. A transit site usually provides a basic range of amenities (electricity, showers toilets and washing facilities) and is managed by Council officials. A

key feature of transit sites is that they cater for a population travelling through an area and residence is strictly time limited usually to a maximum of 4-6 weeks. The hope behind every such site is that by offering official, legitimate provision, the need for Gypsy/Travellers to trespass is removed. Where Gypsy/Travellers persist in doing so in spite of alternatives being offered, Councils have the grounds to undertake more forceful action.

- 2.10** In response to these recommendations, in October 2008, South Ayrshire Council, working in partnership with East Ayrshire, successfully made a bid to the Scottish Government and was awarded £81,375 to develop a transit site for Gypsy Travellers. After failing to secure planning permission for their preferred site, South Ayrshire Council successfully applied to secure the grant until 2012.
- 2.11** Recognising our priorities as set out above and that provision in South Ayrshire may not be in place until 2013, the Council in March 2010 convened a short term officers' working group to address a range of matters including alternative opportunities to implement the Craigforth recommendations.

### **3. NATIONAL / LOCAL STRATEGIC CONTEXT**

#### **3.1 Guidelines for Managing Unauthorised Camping by Gypsies/Travellers in Scotland, Scottish Executive, 2004.**

**3.1.1** Unauthorised camping, or camping without seeking permission, has been part of the way of life of Gypsies / Travellers for centuries. Unauthorised camping requires sensitive and proportionate handling by all concerned and can be a difficult issue to resolve. This is mainly because different and often conflicting sets of rights, responsibilities and expectations are involved. It is also the aspect of Gypsy /Traveller presence that can be the focus of the greatest friction with the settled community. On the one hand, Gypsies/Travellers living in unauthorised encampments which lack basic amenities can find it hard to access health and education services for families and can be subjected to verbal and sometimes racist abuse and discrimination. On the other hand, local residents and businesses in some areas have reported experiencing noise, anti-social behaviour and other nuisances from encampments.

**3.1.2** In 2004, the then Scottish Executive published revised guidance primarily aimed at local authorities and police who share the responsibility for managing unauthorised camping. It is also made available to Gypsies/Travellers to ensure that they are fully aware of what they should expect from authorities and what is expected of their community.

#### **3.2 The Human Rights Act 1998**

The Human Rights Act 1998 (HRA) came into force in October 2000, incorporating the European Convention on Human Rights into British Law. The Act means that all eviction and enforcement decisions made by public authorities must be 'proportionate' and 'necessary'. Potential challenge under the HRA means that all decision-making must be fully recorded and evidenced to uphold human rights and withstand scrutiny.

### **3.3 Equality Act 2010**

In terms of Section 149 of the Equality Act 2010, public authorities must, amongst other things in exercising their functions, have due regard to the need to eliminate discrimination, harassment and victimisation. Moreover, there is an obligation to advance equality of opportunity in relation to those with protected characteristics and to foster good relations between those who have protected characteristics and those who do not. This new public sector duty came into force on 6<sup>th</sup> April 2011 and mirrors previous provision in relation to discrimination, but further enhances the duty to promote equality.

### **3.4 Scottish Parliament's Equal Opportunities Committee (EOC)**

In 2001, the Scottish Parliament's Equal Opportunities Committee (EOC) published their report of the inquiry into Gypsy/Travellers and Public Sector Policies. This was followed, in October 2001, by a response from the Scottish Executive which placed the regulation and inspection of the management and provision of Gypsy/Travellers within the remit of Communities Scotland. That agency was also charged with working with local authorities to assess accommodation needs for both sites and housing, and to work with social landlords to develop innovative models of housing provision in consultation with Gypsy/Travellers.

### **3.5 Equal Opportunities Commission Progress Report**

In 2005, EOC published a report reviewing progress since its first report in 2001 discussed above. It was concluded that progress has been 'inadequate' and 'disappointingly slow'. It was recognised that there remains a lack of accurate and up to date data on Gypsy/Travellers and their accommodation needs and that needs assessments should be undertaken across Scotland.

### **3.6 The Housing (Scotland) Act 2001**

**3.6.1** The Housing (Scotland) Act 2001 requires Local Authorities to prepare a Local Housing Strategy (LHS) for their area. The Council's first round strategy was produced in 2004, and included a specific requirement to assess the accommodation needs of Gypsy/Travellers. The Council's Second round strategy is due for submission to Scottish Government by the end of 2011 and will explain how equality issues have been considered and how statutory public sector equality duties have been met.

**3.6.2** The East Ayrshire Local Housing Strategy 2004-2009, and subsequent annual updates, included a commitment to consult with representatives of Gypsies/Travellers to better understand service requirements. This was fulfilled via the Craigforth research into the Accommodation Needs Assessment of Gypsies/Travellers in West Central Scotland.

**3.6.3** An analysis of the statistical returns for East Ayrshire, collected as a requirement of the Scottish Government since April 2007, provides information on the numbers of homeless applications made by gypsies / travellers, and the outcome of those applications:

Period	Outcome of Application					Total No. of applications
	Lost Contact	Council Tenancy	PRS Tenancy	Returned to Previous Address	Other (not known)	
04/07-04/08	3	5	1	1		10
04/08-04/09	5	3	4	0		12
04/09-04/10	3	4				7
04/10-01/11	0	3	1	2	1	7

#### 4. SHORT TERM OFFICERS WORKING GROUP

Following discussion of the issues by the Corporate Management Team, a short term officers working group was convened, led by the Head of Housing Services, which drew together relevant services from within the Council as well as Health and included a useful contribution from South Ayrshire Council's Gypsies / Travellers Liaison Officer. The Group worked to develop the following outcomes:

##### 4.1 Draft Procedure for Managing Gypsy/Traveller Unauthorised Encampments in East Ayrshire

A Draft Procedure note has been prepared, in accordance with the Guidelines for Managing Unauthorised Camping by Gypsies/Travellers in Scotland, Scottish Executive, 2004 (discussed above), which sets out how the Council will deal with unauthorised encampments where these are established within East Ayrshire in future.

##### 4.2 Co-ordinated Gypsy/Traveller Services

4.2.1 The group agreed that the successful implementation of the policy and the management of services that meet the rights, responsibilities and expectations of the Gypsy / Traveller population and the settled community, would be best achieved by establishing a coordinated approach within the Council supported by a network of key contacts across EAC, Strathclyde Police and Health. This approach recognises that although there is not a year round site within the Council boundary, the Gypsy Traveller population would benefit from regular and consistent support whilst living in East Ayrshire.

4.2.2 Other methods of communication with the Gypsy Traveller communities were also considered by the group and it was agreed that there is a requirement to engage with Gypsy Traveller communities at the earliest opportunity through the Gypsy Traveller Services Co-ordinator.

4.2.3 In addition, the Council has taken advice from the Scottish Gypsy Travellers Association on the most appropriate way to further develop our communication and engagement with the Gypsy Traveller population.

**4.2.4** An information leaflet for use by Gypsy Travellers and their representatives is being produced to ensure that Travellers have easy access to the range of information that they may require. The leaflet includes local contact details of relevant agencies, for example, GPs, Education, Housing and Social Work.

### **4.3 Identification of a Transit Site for East Ayrshire**

**4.3.1** Recognising that the work to progress a Transit Site in South Ayrshire is likely to be delayed, the group agreed that effort should be made to update work previously carried out in 1998 to identify an appropriate site for the development of transit provision in East Ayrshire.

#### *Planning Policy Implications*

**4.3.2** The East Ayrshire Local Plan 2010 was adopted in October 2010. Whilst the plan is now subject to a legal challenge, the challenge is unrelated to the identification of a site for gypsies/travellers. The Local Plan does not identify any specific sites to meet the needs of travelling people, however, Policy RES32 outlines the criteria against which any applications for small, privately owned Travellers sites would be assessed.

**4.3.3** Following changes to the development plan system introduced through the Planning etc (Scotland) Act 2006, work is now commencing on a new Local Development Plan for East Ayrshire. The first key stage of this work will be the publication of a Main Issues Report, programmed for consultation towards the end of 2011. Following preparation of and consultation on a Proposed Plan, the anticipated date for final adoption of the Local Development Plan is Autumn/Winter 2014.

**4.3.4** In terms of the designation of a site for travelling people, there is an opportunity to include such a site within the Proposed Plan which, subject to the outcome of the consultation process, could be carried forward into the Adopted Plan. However, as can be seen from the timescale described above, it will be several years before a site for travelling people can be part of an adopted plan.

#### *Identification of a transit site*

**4.3.5** On the basis of the timescale for the Local Development Plan, it is considered that a site should be identified in advance of the Local Development Plan process and should be secured through obtaining planning consent for the proposed use.

**4.3.6** An initial assessment has been carried out of a number of sites throughout East Ayrshire, with regards to their suitability for gypsies/travellers. The identification of sites has focussed on those areas that are currently frequented by the travelling community, in order that the site to be brought forward is one that there will be demand for. In this respect, the search has focussed on three broad areas; (i) the Kilmarnock area; (ii) the A76 corridor

around Cumnock, New Cumnock and Auchinleck; (iii) A70 corridor, primarily focussing on Muirkirk.

**4.3.7** The identified sites were assessed against a number of criteria, essentially those contained within Scottish Office Guidance for the Assessment of Sites for Travelling People as well as the criteria contained within Policy RES32 of the Local Plan 2010 and additional criteria relevant to East Ayrshire. In general these comprise: (i) Accessibility; (ii) Provision of services / infrastructure; (iii) Compatibility with existing community; (iv) Physical nature of the site; (v) Employment opportunities; (vi) Proximity to schools; (vii) Proximity to community facilities; (viii) Provision of sites in neighbouring areas; (ix) Impact on areas of recognised nature conservation and built heritage interest; and (x) Proximity to unofficial encampments: (xi) Compatibility with Local Plan designations; and (xii) Impact on commercial interests.

**4.3.8** The full list of shortlisted sites is shown in Appendix 2. It should be noted that a number of sites that have been used by travellers in the past, on an unauthorised basis, were considered for inclusion on the list, but were not included due to significant constraints. These included sites at Moorfield and Rowallan in Kilmarnock, areas that are identified as strategic business sites in the Local Plan and are key to driving economic development in East Ayrshire. Equally, land at Caponacre Industrial Estate in Cumnock was excluded on the basis that it is a key site for encouraging economic development within the southern area.

**4.3.9** Of the shortlisted sites, it is recommended following an options appraisal exercise as detailed in Appendix 3, that the preferred site to be taken forward is Furnace Road, Muirkirk. The key reasons for recommending this site are:

- It is well located in respect of access to the A70, a key route for travelling people.
- It is within Council ownership
- It is within easy access of the range of services within Muirkirk, including shops, education and health care, and local primary school.
- It is separate from existing residential areas and any future residential land allocations.
- It has previously been occupied by the travelling community, demonstrating that there is demand at this location.

**4.3.10** Based on the average number of caravans/travellers that have used unofficial sites recently (number), indicative costs have been established for the provision of a three pitch transit site for up to six touring caravans amounting to £0.3M. It is based on the recommendations set out in 'A Good Practice Guide on Designing Gypsy and Traveller Sites' issued by the Department for Communities and Local Government in 2008.

**4.3.11** The Guide makes the distinction between permanent sites and transit sites, designed for occupation for periods of up to three months, however many of the requirements for each are comparable. All pitches on a transit site require a drinking water supply as well as a mains electricity supply and refuse

facilities. It is also recommended that each pitch is able to accommodate two touring caravans, two car parking spaces and have private amenities. These private amenities should comprise a toilet, wash hand basin, shower and washing facilities with hot and cold water supplies. The Guide advises that roads within the site should be constructed to adoptable standards due to their use by heavy vehicles and hard standing for touring caravans should be of concrete or similar construction. The Site should also provide perimeter fencing for safety and security, including secure gas bottle storage, and lower fencing to define individual pitches. Site lighting should also be provided. It is also recommended that a degree of soft landscaping and / or play area be provided.

**4.3.12** Whilst the site has clear advantages, it should be noted that the location is currently safeguarded in the Local Plan for business and industrial use and any application at the present time would be considered contrary to the industrial and business policies of the Local Plan. However, as part of the early preparatory work for the new Local Development Plan, a review is being undertaken of all safeguarded industrial sites to ensure that the sites included in the LDP represent relevant and viable locations for industrial development. As a result of this review, it is suggested that through the LDP process consideration should be given to amending the Furnace Road designation, either through reducing its size or re-allocating it for alternative uses.

**4.3.13** In order to take this site forward, further work will be required to ensure its suitability for a transit site. A title check is being progressed to ensure there are no restrictions which may either prevent the proposed use or require to be waived by the original seller/their successors.

## **5. CONSULTATIONS**

**5.1** Following consultation with relevant community planning partners, the approach and proposed site have been endorsed by Strathclyde Police, Health and Strathclyde Fire and Rescue. The draft procedures and general proposals to develop a transit site, but without any specific reference to possible site location, have been shared with and received a good response from key bodies involved with the Gypsy / Traveller community including Shelter and STEPS, the Scottish Travellers' Education Programme. Subject to members approval, and in order to take an inclusive approach to the proposal, appropriate consultation will be carried out with both the local community and the travelling community, to gauge local opinion and the views of the travelling community on the suitability of the preferred site to meet their needs.

## **6. CONCLUSIONS**

**6.1** East Ayrshire Council currently has no official site provision for Gypsy/Travellers. The short term officers working group proposals would help deliver improved services for Gypsy/Travellers in East Ayrshire and would address the concerns expressed by Amnesty International.

**6.2** The development of a transit site in South Ayrshire continues to be supported by East Ayrshire Council. Once complete, the new site will be available as a resource to Gypsies / Travellers moved on from illegal encampments across Ayrshire. However, failure to secure planning permission has delayed the progress of this project, and the Scottish Government have extended the deadline for the grant spend until 2012.

**6.3** The project in South Ayrshire is expected to progress as planned but in view of the delay and in order to ensure East Ayrshire makes provisions for Gypsies / Travellers, it is considered that a transit site should be identified within East Ayrshire. Following an assessment of potential sites, it is considered that Furnace Road, Muirkirk be taken forward as the preferred location.

## **7. FINANCIAL / PERSONNEL IMPLICATIONS**

**7.1** The role of co-ordinating Gypsy/Traveller services will be held by the Council's Housing Service, supported by a network of key contacts across East Ayrshire Council, Strathclyde Police and Health in recognition of the Council's responsibilities to prevent and alleviate homelessness.

**7.2** The cost of providing a transit site would require to be met by the Council in the absence of any funding support from the Scottish Government. The project would form part of the council's agreed General Fund Capital Investment Programme 2011/12-2018/19. However, should the project in South Ayrshire be unable to proceed, then the Council would submit its own bid to Scottish Government for funding support.

## **8. POLICY / LEGAL IMPLICATIONS**

**8.1** Providing access to services for Gypsy/Travellers is governed by the public sector duties set out in the Equality Act 2010.

## **9. RECOMMENDATIONS**

**9.1** Cabinet is asked to:

- (i) Consider and agree the draft procedure and service responsibilities for Managing Unauthorised Encampments in East Ayrshire as set out in Appendix 1;
- (ii) Note the outcome of the assessment of potential locations for a Gypsy/Traveller Transit Site and agree that further work be carried out to confirm the suitability of the preferred site at Furnace Road, Muirkirk;
- (iii) Otherwise note the content of the report.

**Elizabeth Morton**  
**Depute Chief Executive/Executive Director of Neighbourhood Services**

3 May 2011  
EM/CMCA/LA

### **LIST OF BACKGROUND PAPERS**

1. Gypsy/Traveller accommodation – future provision & funding arrangements; corporate management team; 10 June 2009
2. Gypsy/Traveller Site: Arrangements for Funding in 2008/09 and 2009/10
3. Guidelines for Managing Unauthorised Camping by Gypsies/travellers in Scotland, Scottish Executive, 2004.
4. An Accommodation Needs Assessment of Gypsies/Travellers in West Central Scotland; Craigforth; June 2007
5. Identification of Possible Sites for Travelling People in East Ayrshire; Graham & Sibbald; November 1999

### **IMPLEMENTATION OFFICER:**

Anyone wishing further information please contact: Chris McAleavey, Head of Housing. Telephone 01563 554876.

## **Appendix 1: Draft Policy for Managing Gypsy/Traveller Unauthorised Encampments in East Ayrshire**

### **1. Introduction**

- 1.1 This policy has been produced to facilitate good relationships between East Ayrshire Council and its Community Planning Partners when dealing with unauthorised encampments established in East Ayrshire in order to minimise the disruption caused by such encampments.
- 1.2 It takes into account the Guidelines for Managing Unauthorised Camping published by the Scottish Executive in December 2004 which built on the recommendations contained in the Ninth Term Report of the Scottish Executive Advisory Committee on Scotland's Travelling People, published in 2000.
- 1.3 The guidelines recommend that Local Authorities and the Police should have a written statement of their policies towards the treatment of Unauthorised Encampments. This statement should:-
- ensure that authorities and the police take a consistent, balanced and measured approach to unauthorised encampments.
  - help authorities to demonstrate to others (including Gypsy/Travellers and the Courts and the Settled Community) that they have taken a consistent, balanced, measured approach and have properly reached decisions in line with the policy.
  - provide a basis for explaining the policy to Gypsy/Travellers, complaints and members of the public.
  - give the impetus for Local Authorities and the Police to agree joint policies for managing unauthorised encampments.

### **2. Consistency of Approach**

- 2.1 The Council and the Police shall ensure that their response to unauthorised encampments shall be consistent and in line with the policy. Decisions shall be shown to have been correctly taken, in light of the particular and unique circumstances around each encampment and should take account of any duties the Council may have to Gypsy/Travellers under its wider responsibilities and in respect of issues of common humanity and welfare.

### **3. Monitoring of Encampments and Initial Contact**

- 3.1 The Gypsy/Traveller Services Co-ordinator shall visit each unauthorised encampment at the earliest opportunity accompanied by the Local Authority Police Liaison Officer to gather information about its location, size and the nature of the Gypsy/Traveller group, their needs and future intentions. The purpose of the visit is to gather information about the group's needs and to attempt to establish a working relationship with the group with a view to successful management of the unauthorised encampment.

- 3.2 The Gypsy/Traveller Services Co-ordinator shall use the Gypsy / Traveller checklist to collect basic information on:
- The number of vehicles and the families involved
  - Past and, if possible, future movement
  - Anticipated length of stay
  - Reason for stay
  - Any particular Health, Education, Welfare requirements or Environmental needs
- 3.3 The Gypsy/Traveller Services Co-ordinator will in the course of this contact with the Gypsy/Travellers, negotiate and agree a departure date as a practical alternative to enforcement or eviction procedures.
- 3.4 The completed checklist should be used to complete the Gypsy/Traveller database which will ensure an accurate record of all encampment activity is maintained.
- 3.5 Dependant on the circumstances, the police at any time, and separately from the Gypsy/Traveller Services Co-ordinator, may wish to instigate their own contact with the unauthorised encampment.

#### **4. Standards of Behaviour Expected From the Gypsy/Travellers**

- 4.1 The Gypsy/Traveller Services Co-ordinator shall give the Gypsy/Travellers advice on the standard of behaviour expected from them while they are present and irrespective of any action which may be taken to remove them from the site.

#### **5. Unauthorised Encampment Liaison Group.**

- 5.1 Named contact officer(s) shall be identified in each relevant service to form the Unauthorised Encampment Liaison Group. The following services will be represented within the liaison group:
- Housing
  - Police
  - Legal
  - Education
  - Social Work
  - Cleansing
  - Environmental Health
  - Benefits
  - Trading Standards
  - Health

## **6. Meeting of the Liaison Group**

- 6.1 Ordinarily, an electronic information exchange would be sufficient; however should the Liaison Officer feel it is required, for example in response to a high profile incident, a meeting of the group may be arranged as soon as practicable to decide what action to take in connection with an unauthorised encampment.
- 6.2 The designated staff from each department within the liaison group should ensure that East Ayrshire Council is fulfilling its duties in the provision of services regarding Unauthorised Encampments.
- 6.3 The Gypsy/Traveller Services Co-ordinator will be responsible for updating members should the circumstances at any of the camps change, necessitating provision from a particular service.

## **7. Ownership of Land**

- 7.1 Prior to taking any decisions on whether to evict, it must first be established whether the land on which the Gypsy/Travellers are based is owned by the Council or by a private landowner.
- 7.2 All decisions taken must be balanced and take account of varying factors. For example, evidence of nuisance and/or damage being caused by the encampment or threat to basic hygiene shall be weighed against evidence of the Gypsy Travellers need for somewhere to stay and in particular social, education, health or welfare needs revealed during enquires. The validity of complaints from members of the public about such matters should be checked. An assessment of the measures to contain or reduce nuisance shall be carried out. Decisions shall be reasoned on the evidence available and in the light of the particular and unique circumstances around each encampment.
- 7.3 Where problems caused by an unauthorised encampment have been proven sufficiently serious, it may be necessary for the police to exercise their powers under section 61 of the Criminal Justice and Public Order Act 1984, only if the landowner has taken reasonable steps to remove the Gypsy/Travellers by other means first.
- 7.4 The police shall inform the council at the earliest opportunity if they intend to exercise the powers under section 61 of the act and, where possible, a special meeting of the Liaison Group shall be convened to establish what services are required from group members. This form of action would only be taken in extreme circumstances or when all other options have proved to be unsuccessful.

## **8. Deciding to Proceed with Eviction**

- 8.1 A decision to evict Gypsy/Travellers from an unauthorised encampment may be taken where an encampment:

- creates a hazard to road safety or otherwise creates a health or safety hazard,
- is an intolerable or statutory nuisance to the general public by reason of its size, location, nature or duration,
- causes or is likely to cause damage to the Council's land or property or prejudices to its employees,
- prejudices, or is likely to prejudice the use of the land for its intended purpose or by legitimate tenant(s) or occupant(s),
- is too large for its location or is causing unacceptable impact on its environment,
- is on a site of Specific Interest or an area of toxic waste, serious ground pollution or other hazard,
- is in close proximity to a railway line where there may be a danger to individuals,
- would for some other reason be detrimental to the interest of the public if allowed to remain for an extended period.

8.2 Where a decision is made to remove Gypsy/Travellers from unauthorised encampments on Council Land, the Liaison meeting shall recommend that the Solicitor to the Council, or his nominee, raise legal proceedings in the event of failure by the Gypsy/Travellers to comply with the notice and move on.

## **9. Unauthorised Encampments on Private Land**

9.1 Where an unauthorised encampment is on private land and the Liaison Group would otherwise take a decision to remove the Gypsy Travellers had they been on local Authority Land, the Liaison Group may advise the Solicitor to the Council to contact the land owner or their agent to request that they take appropriate legal action to remove the Gypsy/Travellers from the unauthorised encampment.

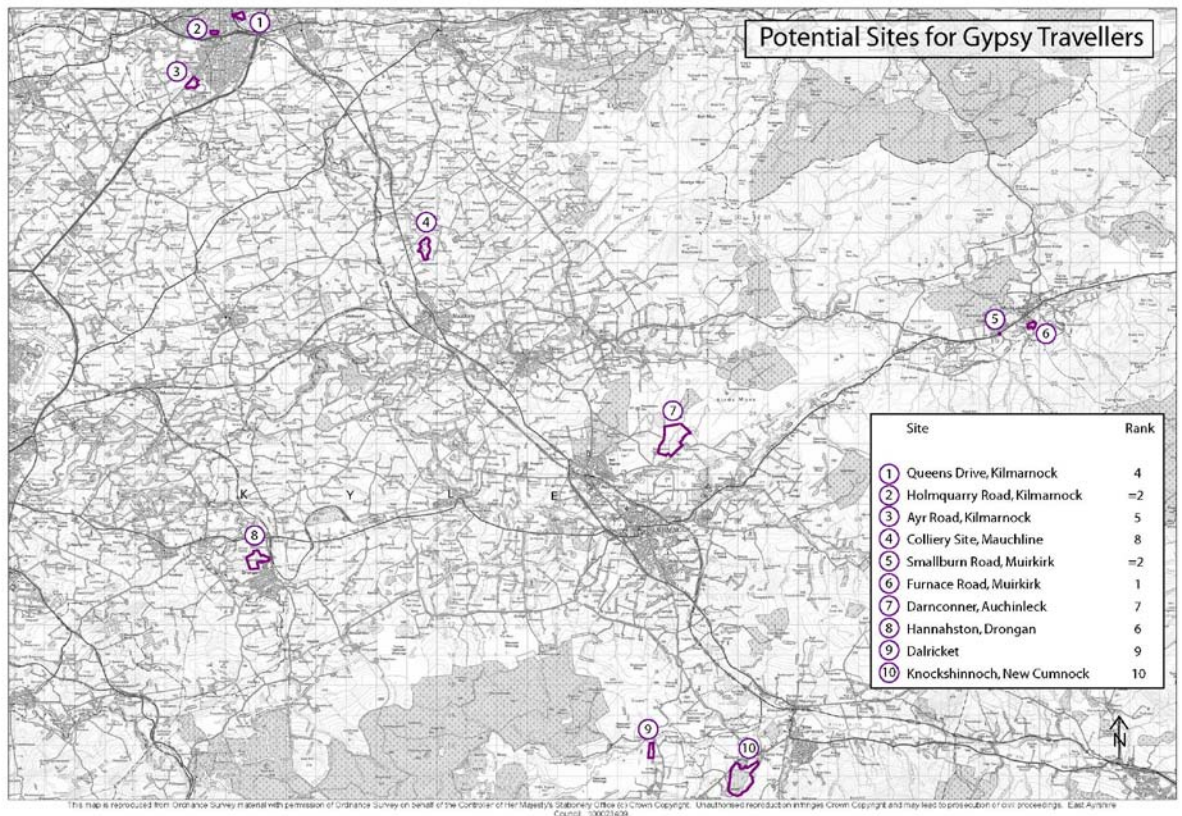
## **10. Keeping Others Informed**

10.1 Group Members shall agree a statement to respond to any complaint or enquiry from members of the public or any other body, giving details on the action taken and proposed on the unauthorised encampment.

10.2 The Gypsy/Traveller Services Co-ordinator shall keep elected members informed of the position throughout the period of the unauthorised encampment.

## Appendix 2: List of Shortlisted locations for a transit site

1. Kilmarnock area
  - Ayr Road, Kilmarnock
  - Holmquarry Road, Kilmarnock
  - Queens Drive, Kilmarnock
  
2. A76 corridor
  - Darconner, by Auchinleck
  - Knockshinnoch, by New Cumnock
  - Dalricket, by New Cumnock
  - Mauchline bing, by Mauchline
  
3. A70 corridor
  - Furnace Road, Muirkirk
  - Smallburn Road, Muirkirk
  - Hannahston, Drongan



## Review of Potential locations for gypsy / Travellers transit site

Appendix 3

Location	Criteria contained within Scottish Office Guidance								Additional Criteria				Total score
	Accessibility	Provision of Services / infrastructure	Compatibility with existing community	Physical nature of the site	Employment Opportunities	Proximity to Schools	Proximity to community facilities	Effect on sites in neighbouring areas	Impact on built / natural environment designations	Proximity to unofficial encampments	Compatibility with Local Plan designations	Impact on commercial interests	
Ayr Road, Kilmarnock	7	6	5	7	7	8	8	6	7	8	2	2	73
Holmquarry Road, Kilmarnock	6	6	6	6	7	8	8	6	7	9	4	2	75
Queen's Drive, Kilmarnock	8	6	6	5	7	7	7	6	7	9	4	2	74
Darconner, by Auchinleck	3	5	7	6	3	3	3	6	7	3	6	4	56
Knockshinnoch, by New cumnock	3	3	3	5	4	4	4	6	5	3	6	4	50
Dalricket, by New Cumnock	2	4	7	6	2	2	2	6	7	2	6	5	51
Mauchline bing, by Mauchline	4	4	5	6	3	4	4	6	7	3	3	5	54
Furnace Rd, Muirkirk	8	6	7	7	6	8	8	6	7	9	3	5	80
Smallburn Rd, Muirkirk	8	5	4	5	6	8	8	6	7	7	6	5	75
Hannahston, Drongan	6	5	5	5	5	6	6	4	7	3	6	5	63

General Notes Scoring is out of 10 for each criteria

No detailed examination of service / infrastructure provision has been undertaken, however, some information has been taken from a previous study undertaken by Graham and Sibbald.

### Site specific notes

Ayr Road, Kilmarnock	The site is well located terms of proximity to Kilmarnock and the services within the town. Key drawbacks - it is located on an area identified in the Local Plan for industrial use and adjacent to a site designated for residential use. Considerable opposition is therefore likely.
Holmquarry Road, Kilmarnock	The site is centrally located in Kilmarnock with good links to the towns services and facilities. Travellers have commonly camped near this site in the past, demonstrating demand. Key drawbacks - Still currently in Council used. Located in a densely built up area and likely to be considerable opposition from large number of commercial operators in the area.
Queen's Drive, Kilmarnock	The site is well located in relation to the roads network, local services and is an area in which travellers have used in the past, demonstrating that there is demand for the area. Key drawbacks - Concerns over flooding and proximity to Kilmarnock's main commercial centre / out of centre retail park.
Darconner, Auchinleck	The site is distinct from local residential properties, is generally flat with reasonable screening. Key drawbacks - remote from local services, poor access to main roads and not in an area commonly frequented by travellers
Knockshinnoch, by New Cumnock	The site has relatively good access to local services and roads network. Key drawbacks - site is in close proximity to a number of residential dwellings / small rural communities, which may result in significant opposition.

Dalricquet, by New Cumnock Mauchline	The site is distinct from any existing settlements / residential properties. Key drawbacks - the site is considered the most remote of those assessed, with poor access to the road network, community facilities etc. The site is not in an area with any evidence of demand from travellers.
bing, by Mauchline	The site is in relatively close proximity to Mauchline and the roads network. Key drawbacks - the site is not in an area commonly frequented by travellers, therefore demand may not come forward. The site is identified in the Local Plan for leisure, recreational or business use.
Furnace Rd, Muirkirk	The site is well located in terms of its close proximity to Muirkirk and its services, but is not directly adjacent to existing residential dwellings. The site has excellent access to the A70, a key route for travellers. Key drawbacks - the site is identified in the Local Plan for industrial use.
Smallburn Rd, Muirkirk	The site is currently used as a travellers site, but restricted to family members. Whilst there could be potential to widen this use out, this would depend on negotiation with the site owner. Key drawbacks - whilst the site has good access to Muirkirk Services, it is very centrally located in close proximity to residential dwellings. Deliverability uncertain due to ownership situation.
Hannahston, Drongan	The site is in relatively close proximity to Drongan and its services without being directly adjacent to residential dwellings. Key drawbacks - the site is in relatively close proximity to existing provision in South Ayrshire, therefore significant demand may not exist. The area is not one that is commonly frequented by travellers.