



# TAYSIDE POLICE

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Bill Harkins . Assistant Chief Constable

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Mr. Franck David  
 Assistant Clerk to the Public Petitions Committee  
 T3.40  
 The Scottish Parliament  
 EDINBURGH  
 EH99 1SP

Dear Mr. David

## PUBLIC PETITIONS COMMITTEE CONSIDERATION OF PE1364

I refer to the above subject and have replicated each of the relevant areas for comment hereunder with my Force's responses. I trust this will be helpful in your deliberations.

- *Are you satisfied that guidelines used by the police and local authorities to manage unauthorised traveller camps such as "occupational travellers" on private land are clear, unambiguous and properly applied? If not, what are the issues that need to be addressed and by whom?*

Tayside Police and the respective local authorities in Angus, Dundee City and Perth and Kinross work closely together to ensure a sensitive and proportionate response to unauthorised encampments whether they are sited on public or private land. The ACPOS Guidelines form the backbone of our current policy, and we use the powers under Section 61 and 62 of the Criminal Justice and Public Order Act 1994 to consider enforced removal of any unlawful encampment. The local authority partners provide any welfare/liaison services and consider offers of relocation etc.

While dealing with the issues of unlawful encampments there is always a fine balance to be struck between the rights and expectations of the landowner and the human rights of all parties involved to ensure that no discriminatory or racist actions are taken. As held within the guidance all negotiation and civil means, including civil eviction, should have been considered and deemed unacceptable or proven to be unsuccessful prior to any action by the police and this automatically builds in time delays which can be extensive and undoubtedly frustrates private landowners.

This is exacerbated by the limited availability of pitches on all authorised campsites within the Force area.



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### POLICE HEADQUARTERS

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- *The concerns and experience of the petitioner and others in their situation is that local authorities and police forces do not step in for fear they could be accused of breaching a policy of non-harassment of ethnic groups. Is this not an indication that the legal definitions of and guidelines relating to the different groups of travellers could be clearer?*

Tayside Police Policy does not differentiate between Gypsy/Travellers and other groups who set up unauthorised encampments in the Tayside Police area. All persons occupying an unauthorised encampment are treated equitably and fairly with due deference to human rights, equalities and the ethnic status of travellers setting up unauthorised encampments. As above described the legal processes can be protracted in some circumstances which may be perceived by the landowner as a reticence to act, however, this should be dealt with by explanation from the officers involved.

At this time, Tayside Police is clear on the legal definitions and guidelines relating to different groups of Travellers.

- *Do "occupational travellers" benefit from the same protection afforded to Gypsy Travellers?*

The petitioner's use of the term "occupational traveller" is ambiguous in this request as it is the Forces understanding that this term refers to fairground or show people who, experience shows, generally set up camp having sought consent from the local authority to service their carnival or circus and is part of their travelling business. In addition, occupational travellers, when staging a public event or entertainment are obliged, under the Civic Government (Scotland) Act 1982, to apply for a Public Entertainment Licence through the respective Licensing Committee.

If the petitioner's meaning of "occupational traveller" is to reflect the traveller that would cold call at one's house to undertake odd jobs like tarring of driveways, fixing of roofs etc. then this may very well fall within the Gypsy/Traveller category and would be covered enquiry for Force Guidance.

Unauthorised encampments are managed in exactly the same way by the Force, based on all parties' Human Rights without the requirement to define whether the people occupying the encampment are Gypsy/Travellers or any other ethnic group.

I submit this for your consideration.

Yours sincerely

Assistant Chief Constable