

- What is your response to the points made by the Equality and Human Rights Commission (PE1364/C) and what action(s) will you take to address these?

Perth and Kinross Council generally welcomes the points raised by the Equality and Human Rights Commission (PE1364/C).

Local Context

The majority of the comments in this section relate to the north east of Scotland and not Perth and Kinross. The Council is aware of the distress and anxiety that can arise when an unauthorised encampment sets up near a settled community. Perth and Kinross Council elected members and relevant officials are regularly contacted by members of the settled community demanding that any unauthorised encampments are moved away as quickly as possible.

It should also be noted that on occasions communities and, in some cases local councillors, may over state the position and thereby cause raised expectations which may not be justified in the circumstances.

The Council is mindful of its duty to foster good relations between persons who share a relative characteristic and those persons who do not share it.

Perth and Kinross Council does work closely with its statutory partners to try and ensure a common approach to dealing with unauthorised encampments. It is agreed that the Joint Protocol drawn up by Perth and Kinross Council and Tayside Police encourages a structured response to any unauthorised encampment setting up within the Council area.

Perth and Kinross Council has had a limited number of New Age Travellers setting up unauthorised encampments and it has had limited contact with Occupational Travellers over previous years. This may be because the Council responds to the unauthorised encampment and not, specifically, records the ethnic origins of the Travellers occupying it.

The Council is aware that a number of Scottish Gypsy/Travellers, for many years, have been using specific unauthorised sites across the Perth and Kinross Council area for a limited time and these sites are generally well known and accepted by local communities and the Council. Scottish Gypsy/Travellers are generally renowned for their responsible attitude when occupying these sites.

Perth and Kinross Council supports action against anyone who breaks the law and this action must also apply to any Travellers who break the law whilst setting up unauthorised encampments within the Council area.

Legal definitions and protections

The majority of the comments in this section relate to the north east of Scotland and not Perth and Kinross. In Perth and Kinross, it is considered that all unauthorised encampments are generally depicted in the media as a nuisance to be dealt with by the relevant police force and local authority. This

is not helpful and can encourage further complaints by members of the public who may also encourage further negative media coverage.

The Council continues to respond to all unauthorised encampments within the Council area and does not specifically enquire about nor discriminate against the ethnic or racial origin of the Travellers involved.

Guidance on Unauthorised Encampments

Perth and Kinross Council continues to feel that the guidance, which was designed to deal with generic unauthorised encampment issues which public bodies faced, before it was published, continues to be fit for purpose although there are several issues which may require further clarification.

Irish Travellers setting up unauthorised encampments in Perth and Kinross are becoming more frequent, although any evidence of overwintering in Perth and Kinross is not yet apparent.

The Council agrees that the references in Annex B Para. 58 – 60 could be clarified to include civil law remedies. The concluding remarks, Para. 60, stating that "... private landowners should take their own legal advice and action" could be amended to read "... private landowners should first seek advice from their local authority before taking any action."

The majority of Perth and Kinross private landowners now contact the Council for advice about unauthorised encampments, after being directed there by Tayside Police or through information received from their peers.

Concluding remarks

1. Land – In the Local Development Plan, currently being produced by Perth and Kinross Council, the intention is now to include a policy to encourage Gypsy/Travellers to identify suitable transit sites within the Council area. The Council considers that all previous attempts to identify suitable sites for transit Travellers has proved extremely difficult due to public opposition and identifying a willing land owner.
 2. Legitimacy – due to continuing negative media coverage, it is extremely difficult to convince all sides to accept that Gypsy/Travellers, whether indigenous to Scotland, or as visitors, are part of Scottish society. To change this attitude it is agreed that Central and Scottish Government must consider a positive national education programme about Gypsy/Travellers.
 3. Leadership – it is vital that leadership within Gypsy/Traveller communities be identified to participate with Scottish Government initiatives
- 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?

Perth and Kinross Council is satisfied that the generic Joint Protocol produced by Perth and Kinross Council and Tayside Police to manage unauthorised Traveller sites, such as 'occupational travellers' on private land are clear, unambiguous and properly applied.

- 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?

The existing government guidance could be clearer, but as stated previously, Perth and Kinross Council makes no distinction between the ethnic or racial origin of Travellers and deals with all unauthorised encampments in the same way.

- Do "occupational travellers" benefit from the same protection afforded to Gypsies travellers?

In Perth and Kinross the Council makes no distinction between the ethnic or racial origin of Travellers and responds to all unauthorised encampments in the same way.