

PE1364/DD

**SCOTTISH GOVERNMENT RESPONSE TO THE ISSUES RAISED BY THE
PUBLIC PETITIONS COMMITTEE: PETITION PE 1364CC**

**Response to points discussed at Public Petitions Committee Meeting
21st February 2012**

1. Please respond to each of the specific points raised in the petitioners letter (PE1364/CC) - Three questions are included with the letter dated 9 February 2012. A response to each is set out below:

What are the terms of reference of this current review?

Further to the request of the Petitions Committee, the Scottish Government undertook an internal review of the Managing Unauthorised Camping by Gypsies/Travellers in Scotland, *Scottish Executive, (2004)*. This review took place over the period October to December 2011 and involved officials from Housing, Equalities and Police Division.

The review team met on three occasions and also involved wider discussion with the Association of Chief Police Officers (ACPOS).

Key points that were identified through the review:

- Information contained in the Guidance is quite historical, including reference to legislation and other guidance that is either out of date, no longer relevant or has been superseded.
- Some of the presumptions of “Expected behaviour on Encampments” require examination, in order to avoid any inference that negative behaviour of any sort will automatically occur.
- The tone of the document requires review.
- Requirement to provide clarification on the responsibilities of the relevant public authorities in relation to the management of unauthorised encampments
- This presents a further opportunity to highlight that the long term, sustainable solution to the issues arising from the establishment of unauthorised encampments is the creation of adequate halting site provision across Scotland. Creation of such sites would strengthen the applicability of the relevant legislation and enhance the options available to Police Forces assisting the Local Authorities.

Following this internal review, a Project Brief has been drafted to discuss with stakeholders. A copy of this can be provided to the Petitioner as part of the proposed Stakeholder Working Group, see below.

Officials in the Scottish Government have met with Grampian Police and Aberdeenshire Council to consider issues in the North East and to gauge their views on any review of national guidance. The concerns raised by the

Petitioner and suggestions presented in the letter of 9 February were discussed as part of this meeting.

Two clear actions were concluded from this meeting:

1. Scottish Government agreed to write to members of the Aberdeen /Aberdeenshire Gypsy/Traveller Issues Working Party to identify progress against actions identified in the Strategy and Action Plan. This letter will be issued before the end of March and will include an invitation to facilitate a meeting with members of the Working Party if requested.
2. Scottish Government to convene a meeting at a national level, to include the petitioner, Association of Chief Police Officers, CoSLA and Local Authority representatives to consider the role of the national guidance. Invitations to attend this meeting will be issued by the end of March with an aim to convene the meeting in late April/early May dependent on the availability of stakeholders.

How productive can a review of national guidance alone be without also taking into account the shortfalls of both General Presumption and current legislation?

ACPOS reviewed their guidance on the management of unauthorised encampments in 2011; this provides advice to officers with regard to their responsibilities. The general presumption against prosecution for unauthorised encampments remains, except in specified circumstances, but the police will continue to respond to and investigate other reported crimes in the normal way.

Why after seven years can the police not show real evidence of a successful strategy to deal with crimes in and around such sites?

Any specific concerns about policing of particular encampments should be raised with the relevant Chief Constable.

2. The Committee again would ask for clarity on what the review will cover i.e. the terms of reference, with specific reference to how the concerns of private individuals, such as the petitioner, will be taken into account.

As per Action 2, above, it is proposed that a meeting will be organised with relevant stakeholders, including the petitioner, to discuss how this work should be progressed to its next stage. Initial questions that this group may wish to consider are:

1. What is the role of the national guidance and is a rewrite of this the most appropriate route for addressing the issue of unauthorised encampments?
2. What is the relationship between the Managing Unauthorised Camping by Gypsies/Travellers in Scotland guidance and other guidance that supports the

needs of the Gypsy/Traveller community including – Association of Police Officers Guidance; Local Authority Local Housing Strategies and associated Housing Need and Demand Assessments; Local Authority Development Plans and Equalities guidance and policy.

In addition, the Petitioner raises a number of suggestions in her letter of 9 February 2012 and it would be appropriate for the stakeholder group to consider these.

3. The Committee requests that the petitioner be invited to be involved in the review process now. Will the Scottish Government confirm that stakeholders, including the petitioner, are brought in to the process now?

Invitations to attend this meeting will be issued by the end of March with an aim to convene the meeting in late April/early May dependent on the availability of stakeholders.