

PE1364/Z

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

**Response to points discussed at Public Petitions Committee Meeting
20 September 2011**

Questions to Scottish Government

Q – Can I draw your attention to the points raised by Nigel Don and Mark McDonald, particularly in respect of temporary illegal sites and what the local authorities should be doing to help private landlords?

Response:

In Scotland, the management of unauthorised encampments is primarily an issue for the relevant local authority in whose area the encampment is established.

To assist local authorities and the police to develop strategies for managing the issue, the Scottish Government issued guidelines for Managing Unauthorised Camping in 2004. The guidelines aim to help strike an appropriate balance between the needs and legitimate expectations of members of the settled community, local businesses, landowners and the Gypsy/Traveller community.

The guidelines include detail on the various civil and criminal legal powers available to the police and local authorities to deal with unauthorised encampments. I attach a link to the guidelines for your information.

<http://www.scotland.gov.uk/publications/2004/12/20417/48825>.

There is no current intention to bring new legislation before the Scottish Parliament. However, the Scottish Government will progress a review of the guidelines for Managing Unauthorised Camping this year.

Q - Nigel Don also raised the question with regards to private landowners who find themselves with an illegal camp on their land “If there is a general duty on local authorities to provide sites...is there a general duty on local authorities to help those who find themselves in that position because local authorities have not provided sites”?

As explained in the answer above, the guidelines that were issued by the Scottish Government in 2004 gave details on powers available for local authorities to deal with unauthorised encampments.

It is the Scottish Government's aim to actively encourage the sharing of best practice in community relationship management. A key example of this being lessons learned from the multi agency strategy that was developed in the North East of Scotland last year to help combat the issues to which the Petitioner refers.

On the issue of providing sites for the Gypsy/Traveller community, I would refer the Committee to previous submission (PE1364/Q) which the Scottish Government provided. Included in that response was the following requirements for local authorities to:

- assess the housing needs of Gypsies/Travellers as part of their housing need and demand assessment (set out in new Scottish Government guidance on Housing Need and Demand Assessment published in 2008);
- ensure that the needs of equality groups, including Gypsies/Travellers, are addressed in their local housing strategies (set out in Scottish Government and COSLA guidance on Local Housing Strategies, published in 2008);
and
- identify suitable locations for sites for Gypsies/Travellers in their Development Plans (set out in Scottish Planning Policy 3: Planning for Homes in 2008 and included in consolidated Scottish Planning Policy, published in 2010).