

SOME FREQUENTLY ASKED QUESTIONS ABOUT TRAVELLING PEOPLE

North Lanarkshire as a result of its central position in Scotland has long been established as a traditional stopping place for Travellers. Its position in relation to the motorway network gives easy access to surrounding local authority areas in Glasgow, the Forth Valley, West Lothian, East Dumbartonshire and South Lanarkshire.

Housing and Social Work Services has a Travelling People's Liaison Officer, whose role is to advise council services and other agencies on issues relating to Gypsy travellers and their welfare. The following questions are often asked.

About Travellers in general

Q. Who are Travellers?

A. Gypsies and Travellers' refers to different cultures and traditions. The groups we have most contact with include:

Gypsies - refers to Romany Gypsies of English or Welsh heritage. Some Gypsies do prefer to be known as Welsh or English Gypsies as appropriate. Gypsies are recognised as a distinct ethnic group, so are covered by Race Relations Act legislation. Romany Gypsies first arrived in Britain around 1500.

Scottish Gypsies/Travellers - have a long history in Scotland going back to the 12th Century. Different groups of Scottish Gypsies/Travellers may refer to themselves as Scottish Travellers or Scottish Gypsies, or as Nawkens or Nachins.

Irish Travellers - Travellers with Irish Heritage. Irish Travellers do not share the same culture as Gypsies and are recognised as a separate ethnic group, again covered by the Race Relations Act legislation.

Showmen and Circus People (often referred to as Travelling Showpeople) - People who move from place to place providing stalls, rides and services at fairs. Unlike the other travellers mentioned above Showmen are allowed to stop at the roadside as members of the Showmen's Guild.

Q. Why do Travellers have a nomadic way of life?

A. Their nomadic way of life was based around travelling to look for work, and also because they were not always made welcome where they stopped. Nowadays travellers earn a living by providing services such as tree-cutting, tarmacadam and light building work.

Q. Are Gypsy Travellers an ethnic minority?

A. Gypsy Travellers have their own values, customs, lifestyle, tradition, culture and language. The Race Relations (Amendment) Act 2000 recognises Gypsy Travellers as a distinct ethnic group and places duties on local authorities to ensure that they take account of the needs of this group when carrying out Equality Impact Assessments and promoting equality of opportunity. The Scottish Executive advised that "We take Gypsy Travellers views into account in delivering our services and we are responsive to their needs".

Q. Are the numbers of Gypsy Travellers increasing in North Lanarkshire?

A. Stirling University collects and collates information about Scotland's travelling community. The figures show seasonal variations of visits to North Lanarkshire with most number predominantly coming throughout the summer period. Whilst both summer and winter populations show a decline in relation to the rest of Scotland, there has been an increase in unauthorised encampments in North Lanarkshire. Gypsy Travellers from Essex, Birmingham and the Inverness area have recently stayed in North Lanarkshire.

About Travellers and services

Q. What is the need for travelling people to be able to access health and social care services?

A. Long term limiting illness tends to be higher amongst the Gypsy Traveller population than the rest of the general population. Research has shown that the lifespan of Gypsy Travellers remains shorter than the settled community. Access to and awareness of health and social care services remain important issues for Gypsy Travellers.

Q. Can a travelling lifestyle impact on the education of Travellers' children?

A. It is reported that Gypsy Travellers have the lowest educational results of any ethnic minority group. Attendance and the uptake of secondary education are particular concerns. Learning and Leisure Services provide Support for Learning Staff to link with schools where traveller's children are attending.

Q. Do Gypsy Travellers suffer harassment and discrimination?

A. Travellers have not always been accepted by the community that are not travellers. Within Europe and the UK they have experienced a long history of racism and being treated as 'outsiders'. A place to stay in safety and without pressure of having to move on remains a major issue for Gypsy Travellers. These are also prevalent issues for Gypsy Travellers living in mainstream housing. Some research cites that up to 80% of Gypsy/Traveller children have encountered some form of racial abuse at school (Journal of Research in Special Education Needs 5 (2) 2005)

Q. Do Gypsy Travellers settle in Housing?

A. Research shows many Gypsy Travellers use mainstream housing as a winter base and that being housed doesn't necessarily mean that Gypsy Travellers do not also have a traditional nomadic lifestyle. Other factors such as health, age and education also influence Gypsy Travellers in their use of housing. Families have long connections with North Lanarkshire and many have now settled in the area. Currently the Gypsy Traveller settled population is in the region of 140 families giving a total of between 450 – 500 Gypsy Travellers in North Lanarkshire.

Q. What responsibility do Council's have towards Gypsy Travellers Housing Needs?

A. Local Authorities are required to consider the accommodation needs of Gypsy Travellers in their areas. The needs of Gypsy Travellers should then be reflected in the preparation of Local Housing Strategies. Scottish Planning Policy also advises that Planning Authorities should make appropriate provision for Gypsy Travellers in their area through the identification of suitable locations for site provision and that they should set out policies for dealing with planning applications for small privately –owned sites. The needs of Travelling Showpeople should also be given consideration, as it should be recognised that their accommodation/housing needs may differ significantly from the Gypsy Traveller population due to their lifestyle/culture.

Q. Are there any authorised sites for Travellers in North Lanarkshire?

A. Traditionally there are two kinds of sites provided for the travelling community according to length of stay - transient and long stay. North Lanarkshire Council at one time had 3 sites at Mossend, Annathill and Plains. This gave a combined pitch total of 52. Two sites have since been closed leaving only one official site at Plains, which had capacity for 16 pitches. This particular site was a long term stay site and also had facilities for disabled travellers. The site has not been in use for several years following low demand and major vandalism to the site which rendered it uninhabitable. A Housing Needs Assessment is currently being undertaken to determine the extent of demand or need for further provision.

About unauthorised encampments and the law

Q. What's the difference between an authorised site and an unauthorised encampment?

A. An unauthorised encampment is where a travelling family or group of families choose to stop and stay for a number of days on a site (or piece of land) which is not approved for that purpose and which does not have the permission of the land owner. The site will generally have no access to any facilities. In recent years large unauthorised encampments in North Lanarkshire have taken place in e.g. Eurocentral, Cumbernauld, Harthill and Viewpark. These varied from large encampments of between 30 to 40 caravans to 4.

An authorised site would require formal planning permission and have a Caravan License with appropriate facilities and services to match. Information on requirements of caravan sites are contained within the Caravan Sites and Control of Development Act, 1960. This Act requires occupiers of land to obtain a licence prior to the land being used as a caravan site.

Q. What can the police do when Gypsy Travellers are camped without the Landowners permission?

The Trespass (Scotland) Act 1865 makes it an offence to encamp on or occupy private land without the permission of the Landowner. Encampment may in certain circumstances also constitute an offence under the Public

Disorder Act 1986. For very large unauthorised encampments prosecution under the Public Order Act 1986 may be considered where a suitable alternative place has been offered, where the encampment presents a road safety or public health hazard or where the gypsy travellers have been repeatedly moved only to return. There is, however, a presumption against prosecution, which is regarded as a last resort. This may be overridden by public interest considerations depending on the circumstances of the case.

Q. What about Local Authorities?

A. The local authority is the lead agency in management of unauthorised camping within its geographical area and will usually have a designated liaison officer. Local authorities are required to develop a strategic approach towards managing unauthorised camping, taking account of the accommodation and social requirements of gypsy travellers and balancing the interests and human rights of both the travellers and the settled community.

Q. What can someone do if there is an unauthorised encampment on their land?

A. Approach the gypsy travellers to see if they are prepared to leave on an agreed date, or take proceedings in court to obtain a court order for their eviction. You can contact the Travelling People's Liaison Officer at North Lanarkshire Council, Kevin McGown on 01698 332197 for advice.

Q. Surely Travellers are breaking the law, why don't we just evict them straight away?

A. The Government Guidelines for dealing with Unauthorised Encampments states that "Unauthorised Camping is not a criminal offence and (the Government has) no plans to make it so". Trespass is a civil matter. The law provides landowners and local authorities with the right to repossess their property.

Q. But they have broken in and damaged property – surely that is a criminal offence and they should be evicted?

A. Breaking in and damaging property are criminal offences. If the Police were able to attribute the damage to one or more individuals they could be prosecuted through the courts but their punishment would not be eviction.

Q. Why not?

A. While a person could be fined or imprisoned for criminal damage, it would not be reasonable to impound their home, prevent their legal employment or disrupt the education of their children.

Q. What is the procedure for eviction on local authority land?

A. A balanced and focused approach towards unauthorised sites is taken by the Council. The site will be visited and an assessment will be made. This will include looking at the level of disruption to the local community and

obstructions to rights of way. Account will be taken whether there are any welfare considerations, if there is little nuisance there may be a decision to leave the unauthorised encampment in place for a short period of time in line with Government advice.

Q. Can the Council remove Gypsy Travellers from their land immediately?

A. No. The Council must first:

- Show that the Gypsy Travellers are on the land without consent
- Make appropriate enquiries regarding the general health, welfare and children's education
- Ensure the Human Rights Act 1998 has been fully complied with by making a fair, reasonable, balanced and proportionate decision about any removal, and
- If removal is decided upon only then follow the proper procedure to obtain the necessary authority from the Courts to evict the Gypsy Travellers.

Q. What about the rubbish left by some unauthorised encampment?

A. Unauthorised encampments on the side of the road or on Council land will be visited and every effort made to try and keep the site tidy. Whilst unauthorised encampments are obliged to keep any site tidy, private landowners are responsible for the removal of waste from their land. Certain waste requires special treatment, if in doubt, contact the Environmental Services at North Lanarkshire Council. See links below for additional information.

Q. What can private land owners do to stop unauthorised encampments?

A. Prevention of trespass is primarily the responsibility of the landowner, not the Council or the Police. If a land owner does not want to tolerate encampments for short stays, they should consider whether any physical adaptations can be made to prevent access to their land.

Further sources of information:

<http://www.northlanarkshire.gov.uk/index.aspx?articleid=2219>

<http://www.northlanarkshire.gov.uk/index.aspx?articleid=16296>

For any further information please contact Kevin McGown, Travelling Peoples Liaison Officer, Housing and Social Work Services tel. 01698 332197 or email mcgownk@northlan.gov.uk