



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

EQUAL OPPORTUNITIES COMMITTEE

Thursday 13 December 2012

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EQUAL OPPORTUNITIES COMMITTEE

25th Meeting 2012, Session 4

CONVENER

*Mary Fee (West Scotland) (Lab)

DEPUTY CONVENER

*Marco Biagi (Edinburgh Central) (SNP)

COMMITTEE MEMBERS

*John Finnie (Highlands and Islands) (Ind)

Annabel Goldie (West Scotland) (Con)

*John Mason (Glasgow Shettleston) (SNP)

*Siobhan McMahon (Central Scotland) (Lab)

*Dennis Robertson (Aberdeenshire West) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Dave Black (Grampian Regional Equality Council)

Rod Buchanan (Argyll Community Housing Association Ltd)

Mhairi Craig (Shelter Scotland)

Bill Goodall (Perth and Kinross Council)

Alex Johnstone (North East Scotland) (Con) (Committee Substitute)

Brian Kane (South Ayrshire Council)

Kevin McGown (North Lanarkshire Council)

CLERK TO THE COMMITTEE

Douglas Thornton

LOCATION

Committee Room 4

Scottish Parliament

Equal Opportunities Committee

Thursday 13 December 2012

[The Convener opened the meeting at 09:00]

Petition

Marriage (PE1413)

The Convener (Mary Fee): Good morning and welcome to the Equal Opportunities Committee's 25th meeting in 2012. I remind everyone to set their electronic devices to flight mode or switch them off.

Our first agenda item is consideration of petition PE1413 on preserving marriage. The petition is by Amy King and it calls on the Scottish Parliament to urge the Scottish Government to make no changes to the current definition of marriage as being a union between one man and one woman regardless of what happens at Westminster. Members have the papers in front of them and we have a couple of options to consider. We can either hold off on discussing the petition until the equal marriage bill is introduced and, as is more than likely, comes to the committee, or we can take any other course of action that we choose.

John Finnie (Highlands and Islands) (Ind): The petition is either very timely or untimely. In my view, it is untimely and unhelpful, and I find some of the content offensive. It contains a lot of nonsense and a large number of loaded comments. As the convener rightly says, it is likely that this committee will deal with the proposed legislation. With that in mind, I suggest that we disregard this matter and move on.

The Convener: Does anyone else have a comment?

John Mason (Glasgow Shettleston) (SNP): Are the dates in paragraph 2 of the clerk's paper correct? It says:

"On 24 January 2012, the Public Petitions Committee agreed to write to the Scottish Government and on 27 November 2011, they agreed to refer the petition".

Should that say 27 November 2012?

The Convener: It should be 2012, yes.

John Mason: Okay.

I slightly disagree with what John Finnie says about some of the petition being offensive. I think it represents a strongly held view. We have already heard quite a lot of similar views and we will hear more. I agree with him that if we are going to be looking at the proposed bill, there is

not much point in looking at the petition separately.

The Convener: My view is that we should consider the petition when we are considering the bill. It is widely expected that the bill will come to this committee, so there is no point in doing anything with the petition just now.

Siobhan McMahon (Central Scotland) (Lab): I agree. We do not know what the Government is proposing, so I do not think that the petition is relevant at this time.

I do, however, think that we need to be careful with our language and I disagree with John Finnie when he said that we should "disregard" the petition. It is someone's opinion. I might or might not agree with it, but to say that we should disregard it at this stage is a bit strong. If the committee gets the bill, the petition will be relevant and, regardless of our own views, we should listen to both sides.

John Finnie: Siobhan McMahon is entirely correct, convener. It was inappropriate to say "disregard". Clearly, I have had due regard to the petition. I have read it thoroughly and I found the content offensive. What I really mean is that, taking into account future events, we should take no action on the petition. Whatever the appropriate term is that we should use, I am suggesting that we should take no action on the petition. I am not suggesting that we should hold it over and consider it alongside the legislation. Every day our email in-boxes are filling up with information and suggestions from the public, and of course we will have regard to them. I accept that my use of that word was inappropriate. I am suggesting that we take no action, or whatever the appropriate committee term is.

Marco Biagi (Edinburgh Central) (SNP): I agree that the petition is essentially redundant in the true sense of the word. It does not serve a use because it was intended to raise an issue before the Parliament that has been raised and will be considered through the formal processes. Ultimately, and assuming that the proposed bill comes to the committee, we will come to a conclusion on its general principles, which will mean the Parliament going one way or the other on the issue that the petition raises.

I agree that the petition does not serve any useful purpose at this point. It might be worth having it as written evidence.

I am new to the Parliament, so I do not know exactly what the options or the procedures are, but I share some of John Finnie's observations about the petition's content. It is rather strongly worded in its language and tone and I would be quite content for it to receive a firm rebuff at this stage on the ground that it is redundant.

Dennis Robertson (Aberdeenshire West) (SNP): My view is that—regardless of how it is worded or its tone—we hold over the petition and consider it as part of our evidence gathering. I suspect that we will receive a number of submissions if the bill comes to the committee for consideration, which I am sure that it will. We must look at all the evidence that is put before us, give due regard to submissions from both sides of the argument and take a balanced view.

Siobhan McMahon: The petition should be held over; it should not be closed at this stage. Regardless of my opinions about, for example, the language, there are things about it that I would want to discuss. The petition is not redundant; we have just not reached the stage at which we are discussing the bill. However, given that the Government is drafting the bill—we are not involved in the drafting of legislation—I suggest that we make it aware of the petition. A significant number of people have signed the petition, so it would be right to pass the petition on to the Government at this stage to include in its consultation.

John Mason: The Government published the Marriage and Civil Partnership (Scotland) Bill yesterday. What strikes me is that the petition has received 2,500 signatures. I do not know whether Amy King, the petitioner, represents an organisation or just herself, but that is quite an impressive number. In principle—leaving aside the subject—just to knock back a petition is not a particularly good thing. It looks better if we leave it open as has been suggested and consider it alongside the evidence received on the bill.

John Finnie: For the avoidance of doubt, the Justice Committee has received a number of petitions that we have taken no action on. That does not mean that every member did not read them, take on board what was said and have due regard to them in deliberations. That is where I was coming from.

The Convener: Thank you for that.

It has been suggested that we leave the petition open and consider it when we are scrutinising the legislation. There has been a proposal that we pass it on to the Government for its consideration. There has also been a proposal that we disregard it. What do you mean by disregarding the petition, Mr Finnie?

John Finnie: I am suggesting that we take no further action, in so far as we know that the bill was published yesterday and that, at some point, we will all have an opportunity to input on it, and I am sure that we will all have regard to all the submissions that have been made to us, including this one.

The Convener: When you say disregard, what you mean is—

John Finnie: Having corrected myself for using that phrase—the phrase that you keep reusing, convener—what I am saying is that we take no action, or whatever the appropriate phrase is, on this petition, because we will be taking further action on the subject matter.

Dennis Robertson: I favour action 1.

Marco Biagi: Which action is that?

Dennis Robertson: It is to take the petition and regard it as evidence when the bill is submitted to us.

The Convener: Option 1 is to leave the petition open and to consider it at a later point; option 2 is to pass it on to the Government. We could do both those things.

Marco Biagi: My preference is to raise the petition with the Government, which is a fair suggestion, and then take no further action, given that we will consider it implicitly during the bill scrutiny process, but at this stage we are splitting hairs.

John Finnie: I am happy to split hairs with Marco Biagi on that issue.

The Convener: We need to make a decision on this.

John Mason: By all means, give it to the Government if you like. I would support that.

Marco Biagi: I think that there is agreement on giving it the Government, at least. Is that fair to say?

The Convener: Is there agreement on that?

Members indicated agreement.

The Convener: We agree to pass the petition to the Government.

Do we agree to leave the petition open and consider it later, when we look at the legislation?

John Finnie: I formally propose that the committee take no further action on the petition.

The Convener: We have a proposal. Do we have agreement on it?

John Mason: No. I would like the petition to be left open so that we could at least write back to the person who submitted it.

The Convener: Do we agree to that?

Marco Biagi: No. I am more with John Finnie on this. The purpose of a public petition is to raise an issue with the Parliament for its scrutiny. This issue is already before the Parliament for its scrutiny, therefore the petition serves no use on its

own. The petitioner will have multiple opportunities to make those points again and no doubt will do that. The fact of the petition and the claims that have been made in it will be considered as part of the evidence.

In the interests of not having 1,413 petitions and minimising the number of petitions that are dangling in front of the Parliament, it would be wise to be realistic and perhaps decide, in those rather well-chosen words, to take “no further action”.

Dennis Robertson: We have a petition before us. In the interests of equity and fairness we are suggesting that it is given due consideration along with other evidence when we scrutinise the bill. I see that as a fair and equitable solution, because the petition has a significant number of signatures and it represents a point of view. I disregard my personal opinion on the matter. I believe that the petition should remain open, but be considered only as part of the evidence when we scrutinise the bill.

At the moment, we are suggesting that we take no action apart from giving the petition due consideration along with other evidence—which I am sure that we will get lots of—when we scrutinise the bill.

The Convener: Clearly we are not going to reach agreement. We have two options: we leave the petition open or we close it.

Marco Biagi: I am willing to bow to the prevailing opinions, even though I do not necessarily agree with the interpretation.

The Convener: Who is in favour of leaving it open?

John Finnie: It is important that we have consensus on this. If the prevailing view is that we leave it open, I am happy to go with that.

I do not want anyone to misunderstand and think that this committee does not give due regard to all the detailed evidence that we get. I sincerely hope that that does not mean that we appear to be soliciting further information, because I have had hundreds and hundreds of emails, as I am sure that other members have.

It is important to reassure the petitioners that their information has been read—I certainly assure them that I have read it.

The Convener: Are we happy that we have decided to leave the petition open?

Members *indicated agreement.*

Dennis Robertson: We are content.

The Convener: We are content—thank you. The petition will remain open for further consideration.

Having and Keeping a Home

09:14

The Convener: Agenda item 2 is consideration of the Government's response to our inquiry report, "Having and Keeping a Home: steps to preventing homelessness among young people". Members will have read the Government minister's response and the committee is invited either to note the Scottish Government's response or to consider whether to seek progress reports from stakeholders with a view to considering such reports in around six months' time and at suggested intervals after that.

What are committee members' views?

Siobhan McMahon: The response is good in some parts but disappointing in others. We set out some specific questions but, although the information provided is helpful, the questions are not actually addressed.

I understand that there are timing issues with welfare reform, and with the community care grant in particular, but it is confusing that the evidence given to the Welfare Reform Committee this week seems not so much to contradict as to provide more information than the response given to this committee. It might not be appropriate to ask for additional information from the minister at this time, but I think that we should leave open the option of doing so in, I suggest, some time around April.

For instance, I welcome the decision to allow people to apply for a community care grant eight weeks before taking up a tenancy rather than the six weeks proposed by the United Kingdom Government. However, if I have read the evidence correctly—obviously, I am not a member of that committee—the minister said to the Welfare Reform Committee that, if a council's social fund money has run out when someone makes an application, the applicant will not be allowed to reapply for another 28 days. If that is the case, the time that people will need to wait to apply for a community care grant will be down to four weeks, which will be less than the UK Government's proposal. I think that we require a bit more information on that, but I do not believe that it is appropriate to ask for it at this time. Although the response was helpful in parts, I was slightly confused because of the evidence given to other committees.

John Finnie: Siobhan McMahon's points are well made. When we are talking about the most vulnerable people, a measure of forward planning should be built in, but that does not seem to have been the case from what we have heard. The issue can be complicated because the local

authority may have a statutory obligation for people who are in third-party accommodation prior to taking up a tenancy with the authority directly, so there may be a whole range of overlapping issues. However, we need to encourage a measure of considered forward planning rather than the ad hoc arrangements that we have heard about. Good practice is fine if good fortune means that everything comes together, but there were instances in which people were clearly being abandoned in houses of which no one—let alone a vulnerable young person—should have been given the tenancy. I think that we need to keep a watching brief on the issue, particularly with regard to the implications of welfare reform.

The Convener: I agree. I found parts of the response very good, but others less good and less encouraging. It is important that we keep a watching brief on what is happening.

If there are no further comments, do we agree that we will follow up on the response and continue to follow up on it at regular intervals thereafter? Siobhan McMahon has suggested that we have our first follow-up in April, which should be okay, although that will depend on whether it fits in with our business programme. Do we agree that we will look at the issue again around April?

Members indicated agreement.

Work Programme

09:18

The Convener: Agenda item 3 is consideration of our work programme. The Standards, Procedures and Public Appointments Committee has written to each of the Parliament's committees about its inquiry into post-legislative scrutiny. As you will have seen, a number of questions are asked in the paper before us. We can respond by saying that we are very happy and have no comments, or we can provide comments on post-legislative scrutiny. I am keen to hear the committee's views on the paper.

Siobhan McMahon: I am quite happy with the proposals as set out in the paper. However, although I think that it is a useful tool to use committees for scrutiny, this committee in particular is subjected to a slight curtailing of our time, in that we continuously have to meet earlier than other committees and run through options of meeting at lunch time. That means that various other things are not appropriate, so I do not believe that we could take on the issue as a committee.

Given our work programme, I am sure that we will have a number of bills to deal with. Therefore, I am quite concerned about timetabling.

I am also concerned about post-legislative scrutiny being a box-ticking exercise, in the same way that budget scrutiny is for other committees. It might involve our ticking the box, saying that we had looked at a piece of legislation and carrying on. Those are my concerns, but I am relaxed about what is proposed.

The Convener: I agree with that. As much as it would be good to be able to do post-legislative scrutiny, it would be difficult to do it justice, given our timetable. There is no point in doing it if we could not do it justice. However, in principle, I think that it is a good thing for legislation to come back to committees for consideration.

Marco Biagi: In a way, some of the things that we are doing are post-legislative scrutiny. For example, in our work on youth homelessness, we are looking at a particular part of an issue that has arisen largely as a result of the homelessness provisions.

It would be helpful to have a list of all the bills that have come to the Equal Opportunities Committee over the years. The Economy, Energy and Tourism Committee did a similar exercise in response to the Standards, Procedures and Public Appointments Committee's request. The list that was produced threw up fairly obvious gaps in the committee's post-legislative scrutiny, as well as

pieces of legislation in relation to which post-legislative scrutiny really would be a box-ticking exercise. For example, there might not be such a great need for post-legislative scrutiny of the Scottish Register of Tartans Act 2008, given the other demands on that committee's time.

John Mason: The Standards, Procedures and Public Appointments Committee asks about the barriers to undertaking post-legislative scrutiny. It seems to me that the most obvious barrier is time. That barrier would affect this committee and one or two others, in particular, if we were expected to look at practically all legislation. We would need to be choosy, at least to start with—perhaps we could work on a pilot basis, initially.

When legislation is passed, someone should say when it will be reviewed—in three years, five years, six months or whatever—but it is clear that some legislation would not need to be reviewed.

Dennis Robertson: Given our work programme and the time constraints that we face, I think that we should say no.

In principle, it would be good to do post-legislative scrutiny—the convener is absolutely right about that—but given our schedule and our work programme, I do not think that it would be feasible. Marco Biagi is correct. Much of what we do is post-legislative scrutiny anyway, so I would say that we do not have the time.

John Finnie: Perhaps we could reflect on the issue in the context of our workload. For example, our work on young people and homelessness has involved looking at elements—albeit only small elements—of the local government legislation on finance, care and housing. I know that that is different from being proactive in examining a specific piece of legislation but, as has been said, post-legislative scrutiny is a key, on-going role of the committee. However, the time constraints must be recognised.

The Convener: Would the committee be content for us to reply by saying that, in principle, we agree, but we are concerned about the time constraints that having to conduct post-legislative scrutiny would put on committees?

Members indicated agreement.

Marco Biagi: Siobhan McMahon's point about a box-ticking exercise is reasonable, too. We do not want procedures to be set out that result in automatic post-legislative scrutiny of every bill, when committees might well decide that that would not be useful. In those circumstances, we might end up with post-legislative scrutiny taking up five minutes at the start of a meeting. I am not sure that our approving a report non-controversially would add anything to the value of how we operate or to the reputation of

committees. We need to be careful that we do not fall into that trap.

The Convener: We could include the *Official Report* of the discussion in our response. Are members happy to do that?

Members *indicated agreement.*

The Convener: Thank you very much.

I suspend the meeting until the witnesses arrive for agenda item 4.

09:24

Meeting suspended.

09:59

On resuming—

Where Gypsy Travellers Live

The Convener: Agenda item 4 is an evidence session with Gypsy Traveller liaison officers on where Gypsy Travellers live. I welcome our witnesses, who, I am glad to say, have all arrived safely, despite the slightly inclement weather.

Before we begin, I will introduce everyone round the table. Along with members and witnesses, we have the clerking and research team and the official report and broadcasting staff.

My name is Mary Fee, and I am the committee convener. I ask members of the committee and witnesses to introduce themselves in turn. I also welcome our observers in the public gallery.

Kevin McGown (North Lanarkshire Council): Good morning, I am the travelling people's liaison officer from North Lanarkshire Council.

Dennis Robertson: Good morning. I am the member of the Scottish Parliament for Aberdeenshire West.

Rod Buchanan (Argyll Community Housing Association Ltd): Good morning. I am a local manager with Argyll Community Housing Association Ltd. We have three travelling people's sites.

Siobhan McMahon: I am an MSP for Central Scotland.

Bill Goodall (Perth and Kinross Council): Good morning. I am the site manager and liaison officer from Perth and Kinross Council.

John Mason: I am the MSP for Glasgow Shettleston.

Brian Kane (South Ayrshire Council): I am the site manager and liaison officer from South Ayrshire Council.

John Finnie: I am an MSP for the Highlands and Islands.

Mhairi Craig (Shelter Scotland): I am a support and development worker for the Gypsy Traveller community with Shelter Scotland.

Alex Johnstone (North East Scotland) (Con): I am a Conservative MSP for North East Scotland and a substitute member of the committee.

Dave Black (Grampian Regional Equality Council): I work for Grampian Regional Equality Council, and I am a Gypsy Traveller liaison worker for Aberdeenshire.

Marco Biagi: I am the MSP for Edinburgh Central and deputy convener of the committee.

The Convener: Thank you. Committee members have a number of questions for the witnesses this morning, and we will start with Alex Johnstone, who will be followed by Dennis Robertson.

Alex Johnstone: My question relates to the fact that, as I know from speaking to members round this table and from throughout Scotland, the issues surrounding the Gypsy Traveller community can be different in different areas. I ask our witnesses to say a little about what the Gypsy Traveller community represents in their particular area.

We are aware that, in some areas, the community is largely in settled accommodation. However, in my experience in the north-east, the Traveller community comes in on a seasonal basis in the spring and summer, so we have a large population at one time and a relatively low population at other times.

What does the community mean to you?

The Convener: I am open to whomever would like to answer the question first.

Bill Goodall: I am happy to try to give a Perth and Kinross angle on that. Geographically, Perth is very much a passing-through type of place, so we do not experience unauthorised encampments in the same numbers as other areas such as Aberdeenshire in particular.

We have a settled community in a council-run site and in regular housing. We have had experience of 18 unauthorised encampments since February this year, which is all that we have dealt with in the area.

Brian Kane: I am from a different area, in the south-west of Scotland. Girvan, where our site is situated, and South Ayrshire tend to have a double whammy. They have a transient Traveller population that goes back and forth from Ireland, due to the fact that the ferry leaves from just south of our area. We also have a transient group that seems to consist of the same people nearly every year, although since 2004 the group's population has been in a downward spiral, with this year probably seeing the lowest numbers.

There are issues that come into play in that regard. One factor is the weather. Travellers tend not to go on to grass when there is weather such as we have today, because they cannot get back off, but the hard-standing areas and other areas that they have been to have probably been closed off or developed.

Our management of the north-west encampments tends to be the best way forward for us. We have considered transit sites, which have been mentioned numerous times, but we have been unable to find a location for such a site.

Rod Buchanan: In Argyll, the travelling sites have traditionally been settled. Most of the Travellers have been there for quite a length of time and there has been a natural flow of many Travellers from the sites into houses. There is still a wee bit of antipathy towards Travellers in the local community but, in general, many of them have settled well. That bodes well for the future.

Recently, an influx of new families has filled the Lochgilphead site, which has been below capacity for a number of years. It is good that that site is now full, because it means that we have a good community there. However, the other two sites in Argyll are both below capacity and we are struggling to find applicants who want to move to travelling person sites.

Kevin McGown: Unfortunately, we do not have a site in North Lanarkshire. We tend to have a fair number of unauthorised encampments every year. In themselves, they do not present much of a problem, because the Travellers there are short-term stayers who move on mainly for employment.

Employment is the key. Travellers are no different from anybody else. In the current economic climate, they find it difficult to get employment. Seasonal work such as tree cutting or summertime work such as light building has decreased over the past year or two, because the settled community is reducing that activity. The Travellers are not getting the same frequency of employment, so they tend to be short-term stayers.

A fair number of Travellers have settled in houses under council and private tenancies. We see a slight drift of Travellers towards housing, perhaps with a view to travelling when they want to. That is okay for some, but not for others.

We do not have the bigger problems with sites, because we do not have one, but a number of Travellers are considering planning issues and are buying—or considering buying—pieces of ground to settle there. We have had a number of such planning applications throughout the council area.

Dave Black: I do most of my work in Aberdeenshire, which is the area to which Alex Johnstone referred. I agree that there is a growth in the travelling population during the spring and summer travelling period. There have been 75 unauthorised encampments in Aberdeenshire this year. A large reason for that is that there are no permanent sites in Aberdeenshire. There is one seasonal site in Banff, which is open from March to September, but it is largely populated by the same group every year, and there is no other provision to prevent the unauthorised encampments.

That number of encampments sounds high, but many of them just involve the same families

moving from one place to another within Aberdeenshire, perhaps only a few miles at a time.

A fairly large number of people from the travelling community are in settled housing, but a large number of those people remain hidden from official statistics and do not want to identify themselves. I am not aware of a large number of such people, but I know that a lot of people are there who I just do not know are there.

The Convener: John Finnie wanted to ask about mapping. Do you want to ask that now, as we are talking about unauthorised encampments?

John Finnie: We keep hearing about traditional stopping-off places being blocked up. We heard last week—and again just now—about the difficulties of acquiring sites. Do the witnesses see any benefit in mapping out the traditional stopping-off sites? No doubt that would raise speculation among the many landowners who own them now, although I can think of one in my area that is owned by the local authority.

Brian Kane: The traditional stopping places in South Ayrshire have gone. The travelling tradition down there, going back to the romantic days of the Traveller, was purely for agricultural work. Ayrshire was a famous place for potatoes and other things, and there were traditional Traveller stopping places, but they are all gone.

Until about 15 or 20 years ago, Travellers used areas near the main town of Ayr. However, those areas were developed into things such as retail parks and industrial estates, so the Travellers were pushed further out. Because of that, they now come right into the centre of the town to car parks, including train station car parks, which is where the problems are starting to hit.

Dave Black referred to the issue of provision. Historically, most local authorities provided sites for Travellers, which was probably a great idea at the time, and the sites were used. However, that was more than 20 years ago. I know of a girl who was five when she arrived at a site and who now has a family of five herself. There was never any forward thinking about provision in that regard. We still have the same pitch targets and the same number of pitches that we had 25 years ago, but the extended families who use them have grown.

Bill Goodall: Following consultation with the Travellers, we are looking to identify areas that are suitable for transit sites. Perthshire is a big agricultural area, but we realise that the Travellers' lifestyle has changed completely in a generation and that there is no longer seasonal work for them on the farms where they used to stop for whatever period they needed to do their jobs—that situation just does not exist any more. The Travellers still want to pursue their lifestyle, which they entirely have the right to do, but the traditional places no

longer exist for them. We appreciate that, and we have identified one or two areas to try to help them in that regard.

Kevin McGown: It is the same in North Lanarkshire: the traditional places no longer exist and are now mainly just big industrial estates. In years past, Travellers might stay in Coatbridge, for example, but if they wanted to go to Motherwell, they would move the whole family there. However, they do not have to do that kind of thing now, because the road structure there is such that it takes only 20 minutes to get to Stirling, for example. That means that, if Travellers have one spot in the authority, they tend to stay there and branch out for work, if they can get it. The traditional stopping places no longer exist, so the Travellers look for a spot where they can stay.

The Convener: Would a mapping exercise be useful, or is it your view that, because the traditional travelling routes no longer exist, a mapping exercise would not be beneficial?

Kevin McGown: I am sure that we all keep a record of encampments in our authority areas, so a mapping exercise would be easy. For example, in my authority, Cumbernauld and Bellshill are areas where we have increasing numbers of Travellers. I have not spoken to my colleagues here about it, but I am sure that it would not be difficult to do a mapping exercise.

Brian Kane: The mapping exercise in my area has probably changed over the past five years. The unauthorised encampments have become what we term high profile, which refers to the number of complaints that come in from the public or businesses about the encampments. We have managed unauthorised encampments. We ask whether there are any health or education issues, and we try to supply some kind of refuse collection.

10:15

Only yesterday, I had a worry after receiving an email. We received money from central Government to set up a transit site but, over two years, we never made any headway with that. The matter recently went to committee, and the money was supposedly going back, but one of our local councillors emailed to ask whether it was possible to use the money for portaloos, portable showers, skips and an education pod—whatever that might be. The intention was to look at that. In thinking about one mapped area that is a local authority car park next to a hotel on Ayr seafront, my biggest concern is that I dread to think what the hotelier and the general public would think if we moved in and put in toilets, showers, skips and an education pod.

John Finnie: It is helpful to know that, but I still think that there would be a benefit in a mapping exercise. In particular, we have not heard about landward areas, certainly north of Perth, that traditionally would not have been subject to roadside fencing, but are now subject to it, or areas in which there were encampments over a great number of years, but where road improvements have been made. The reason that I ask about them is that engagement with the Gypsy Traveller community would be needed to establish those things. I can think of two particular cases: a wood in which Gypsy Travellers used to stay, which is still a wood, and a quarry to which they used to go, which is still a quarry.

This is not about folk sitting in Edinburgh pontificating; we need active engagement with those people. We are told that there are continual difficulties with stop-offs and that seasonal sites have their benefits. If people go to collect whelks on Skye, I am not necessarily suggesting that a site should be built there, but there must be provision for them to be able to live a traditional lifestyle. That means that the local authority, which has obligations, should not block off traditional sites, for instance.

Siobhan McMahon: I would like to pick up on Mr Kane's comments. In his area, there are now retail parks and various other developments on traditional stopping points. How do you engage with the Gypsy Traveller community on planning applications? We have heard in evidence that there is very little engagement. Is the Gypsy Traveller community notified when a retail park is coming along, for instance? Are the community's opinions considered? Other witnesses can comment on that, as well.

On the comments about a councillor asking for money to be spent, the money has, as Mr Kane said, been available for a length of time and has not been spent. We have visited many sites, and it is clear that, for instance, sanitary products are needed in portaloo toilets and that education facilities are needed for teaching children who cannot attend school, I think. I turn the issue back on you. You said that you could not imagine what the hotelier whom you mentioned would think. If you put yourself in the Gypsy Travellers' position, could you imagine what they would think about not having those things at their disposal when they come to a local authority area?

Brian Kane: I am taking two different lines. There are what we would call high-profile situations, which are basically in the public's face. I will not go down the line of the traditional Traveller not having toilets in the caravan, the car park not having toilet facilities, unfortunately, and toilet facilities perhaps being a long way off. I can see where you are coming from on that but, as a

local authority worker, I must look at the matter from the local authority's point of view. In car parks in Prestwick and Ayr, as a result of public pressure—including on local councillors—height barriers and other measures to stop Travellers coming in have been put in. Unfortunately, that only causes impacts elsewhere because, as soon as one area is blocked off, Travellers move to another area.

I can see where the public are coming from, but I can also see where Siobhan McMahon is coming from in what she said about supplying toilets. A long time ago—I am going back 20 years—the issue was the supply of skips. When I started doing the job, people said, "We can't supply skips because that would justify the Travellers being there," but those people would probably spend twice as much cleaning up after the Travellers had gone. I could never see the sense in that.

The way in which we manage unauthorised encampments seems to work well. In relation to education, we had a group of 35 Travellers who turned up at Monkton in South Ayrshire looking to get about 12 kids into a very small school. It was about three weeks before the summer holidays, so the school was about to close, but they were accommodated. We have a contact for education and numerous contacts for health, including dentists and so on. We try to have named people for each facility that might be needed. We also tell people the location of the nearest toilets and recycling centre. On that side of things, I think that we are managing well.

The local authority and the Travellers Site Managers Association have discussed whether we should put in such facilities, and the answer that always comes back is no. If we tell people where those places are—they can even use the toilets in local supermarkets—they know where to go. We tell them where the nearest recycling centre is, where the nearest toilets are, where the nearest swimming pool is and so on.

Siobhan McMahon: And on the planning process?

Brian Kane: I have no idea about the planning process. I would guess that the answer is that they are not consulted. One reason might be the difficulty that even we have in engaging with Gypsy Travellers. Unfortunately, as a traditionally recognised group—I do not want to use the word "ethnic"—they never seem to have a good ambassador that speaks for them. There have been numerous groups that claimed to represent Travellers, but unfortunately they fell by the wayside. We tried to engage with those groups. Sorry, but I cannot remember the names, because I am going back 20 years and the memory seems to go.

There have been three groups that I can remember during my time in the job, and as site managers or the Travellers Site Managers Association we have always engaged with them. The unfortunate thing is that they did not last long and they did not seem to have a good spokesperson. That is something that we have always wanted. We have always tried to have Travellers and their culture involved in the training side but, unfortunately, it has been difficult to get hold of someone.

Dave Black: To return to the original question, I agree that it is important to recognise where the traditional stopping places are and also where people stop with the new patterns of travelling. However, as Kevin McGown said, it would not be particularly difficult for people in most areas to set that out. The bigger problem has been not identifying where sites should be, but the challenges that have been faced in trying to bring sites to fruition in those places, such as the negative attitudes of communities, community councils and elected officials in those areas, who do not want that to happen in their back yard.

The Convener: Those comments are useful.

Dennis Robertson: I understand that a significant piece of work has been done in the north-east. Collaboration by the councils in Aberdeen, Aberdeenshire and Moray has identified that more than 30 sites are required—some static, some transient and some a mixture of both. At present, we have one traditional static site.

A mapping exercise has been done, and one static site has been established. Given the need that has been identified, I find it extraordinary—from the comments that have been made this morning—that although everyone seems to be aware that traditional sites either have been closed down or are now being used for alternative purposes, be they retail parks or whatever, absolutely no thought has been given to where we accommodate the Gypsy Traveller community now. Removal of a traditional site with no plan for an alternative does a disservice to that community. The situation is simply not equitable.

I have heard the “not in my back yard” comments and find them unacceptable, because Gypsy Travellers have a right to be accommodated. Almost every council has failed in this, and we need to get to the nub of the matter. Under pressure from community councils and other officials, councils are simply saying, “We don’t want this here—we’re going to pass it on” but all you are doing is passing it on from one council area to another. There is no co-ordination and there needs to be. My question, therefore, is this: if you have closed down a traditional site, why have you not provided an alternative?

The Convener: Who wishes to respond to that question?

Kevin McGown: Dennis Robertson has made some very valid points. The Travellers feel that their lifestyle has been eroded with the removal of traditional stopping places and the closure of council sites. There is simply not the same number of sites that there were several years ago. Over the past 20-odd years, North Lanarkshire has had three sites. It might sound silly, but the one in Bellshill closed mainly because of low occupancy rates. A second site at the top of Coatbridge near the M80—an excellent spot, you might think—closed, again because of low occupancy rates. Another of our sites in Forrest Street in Airdrie closed because of low occupancy rates as well as antisocial behaviour.

Some Travellers welcome sites; others feel quite happy not staying there, even in the type of weather we can see out the window, because of their perception of site management, barriers and so on. “Barriers” is a horrible word; the sites do not have barriers for people coming and going, but those perceptions exist.

Some authorities still have sites, but they have not lived up to what they were put there for. Travellers do not use them and they fall into disrepair. There is antisocial behaviour and vandalism; and the authorities finally say, “We don’t have a record of Travellers wanting to stay on the site”. That might be happening in isolation in certain authorities, but it is certainly what happened in North Lanarkshire.

Dennis Robertson: If there is underoccupancy on sites, might one not assume that the sites were not appropriate in the first instance? Having visited some, I have to be perfectly honest and say that it is absolutely no surprise that people do not want to live on them, for various reasons. Kevin McGown mentioned antisocial behaviour and vandalism, but are they attributable to the Gypsy Traveller community or to others who are impacting on that community? How much engagement has there actually been?

I was very surprised to hear Brian Kane say that Gypsy Travellers do not have spokespersons, ambassadors and so on. We have certainly engaged a lot with the Gypsy Traveller community, and I assure you that the evidence that we have heard has been excellent and articulate. There has perhaps been a lack of will on the part of some councils to find an appropriate Gypsy Traveller spokesperson. The engagement from the council may be on a negative footing, rather than a positive footing that might help to resolve the issues.

10:30

The Convener: I absolutely agree with Dennis Robertson. The sites that we have visited have been in very poor locations—for example, beside an industrial estate or outside a town. There has been poor access to the sites, and they have lacked basic facilities. It is therefore not surprising that Gypsy Travellers do not want to stay on those sites.

Are Gypsy Travellers ever asked whether the site with which they have been provided is suitable for them, or do the councils simply say, “There’s a site, and that’s where you have to go”? There has been very little communication and co-operation from local authorities with Gypsy Travellers on sites—certainly from the evidence that we have heard—to improve the basic, and I mean “basic”, conditions on those sites. That is very disappointing.

It is true to say that we have heard evidence from some very good people who have advocated on behalf of Gypsy Travellers, and from Gypsy Travellers themselves. It would be interesting to hear the witnesses’ views on working with Gypsy Travellers—

Dennis Robertson: Could we have a response to the question about the lack of mapping of sites in the north-east.

The Convener: Yes. Mhairi Craig wanted to come in, so I will bring her in just now.

Mhairi Craig: I will make a couple of points. I work closely with Gypsy Travellers in a support role, so I spend a lot of time in the community. They are very articulate, and they have a lot of good things to say. They know what they want, but historically they are used to not being listened to and to people just paying lip service to them. People from the council come in and tick the equalities box by saying, “Okay—we’ll take your views into account”, and then nothing happens.

The lack of engagement is not down to apathy among Gypsy Travellers, but to their experience. They end up taking a step back and saying, “What’s the point, because no one ever listens to us anyway?” I work with three different local authorities: East Lothian Council and Midlothian Council, which run one site, and the City of Edinburgh Council, which runs another. Everything that has been done on the East Lothian and Midlothian site, such as the planned improvements, has taken place in consultation with the Travellers; the site manager and I have consulted the Travellers on every issue. The experience in Edinburgh has been the complete opposite. Everything that has happened has been forced upon the Travellers and they have not been consulted.

I can see the difference that working closely with the community makes to the attitudes of the Travellers towards the local authorities. I agree that the sites are just put wherever it is convenient for the council. The site at Whitecraig, for East Lothian and Midlothian, is horrendous; I do not know whether anyone here has been to it. There is a row of pylons running right through the site, and it is in a really bad state of disrepair, although that will change soon. I agree that Travellers are not consulted enough.

Rod Buchanan: I work for a housing association rather than a council. We have a site in Lochgilphead where we have just set up a—*[Interruption.]*

The Convener: I am sorry to interrupt you, Mr Buchanan. I ask the people who joined us at 10 o’clock to switch off any mobile phones or put them on flight mode, because they interfere with our sound and recording system.

Rod Buchanan: We have just set up a Travellers’ residents association on the site at Duncholgan outside Lochgilphead. The group is formidable and very active, and it has high aspirations for major improvements to the site. The site is in a poor location. It has a poor access road, it is poorly lit, the space standards are poor and the amenities are 20 years old. It is beyond its sell-by date. However, as I said to the Travellers, we fully support their aspirations. There is nothing there that we were not aware of or disagreed with, but it comes down to funding, and tackling those issues will require major resources that the association does not have.

The Convener: We visited that site and I agree that it is in an appalling condition. I accept that it comes down to funding. However, would the same funding constraints apply to another group?

Rod Buchanan: I would have to say yes. We have severe funding problems with a lot of our housing stock in many areas. I take your point, though. We are in a slightly different position from the other witnesses in that we are a housing association and are funded slightly differently from councils.

The Convener: All local authorities and, as far as I am aware, housing associations have to meet the Scottish housing quality standards.

Rod Buchanan: Absolutely.

The Convener: I wonder where Gypsy Travellers and their sites sit within that. Surely, there is an obligation for Gypsy Travellers to live under the same standards as everyone else.

Rod Buchanan: I am not aware that the housing quality standards are appropriate for Traveller sites. We have to meet certain standards to get the site licence and we have tenancy

obligations, but I am not aware of SHQS being applied to sites.

Dave Black: I will respond to some of Mr Robertson's comments about the north-east. I am not directly employed by any of the local authorities in the north-east, but work for an independent organisation in Aberdeenshire alongside Aberdeenshire Council, so I have some awareness of the problems and the challenges that are being faced in the area.

I refer back to the research that was done to identify where sites are required. Some actions have been taken to address the need for sites. In Moray, two sites were identified and developed following, as far as I know, a lot of consultation of the Traveller community and the settled community. However, both those sites were, near the final stages of site development, turned down by a policy and resources committee. Both Aberdeen City Council and Aberdeenshire Council have included Gypsy Traveller site provision in their local development plans. They have given the go-ahead to larger site developments and have said that there should be Gypsy Traveller site provision in those larger developments. We hope that some sites will become available in the next few years.

Aberdeenshire Council has also tried to find sites outwith that approach. Recently, a bit of private land was identified and the landowner was willing to let the council lease that land on a long-term lease. However, news of that got out to the local community and, following pressure on the landowner, he decided to go back on the deal and no longer wanted to lease the land to the council. Aberdeenshire Council has identified a bit of land that it will try to develop as a stop-over site in the next year.

Brian Kane: I have a concern that there is no mention of what I would term the failures of central Government. Twenty odd years ago, central Government said that it would supply funding for sites and actually ended up providing 100 per cent funding for sites. The carrot-and-stick approach that was taken by the Government at that time was that, if the sites were built, the local authority would not have to tolerate unauthorised encampments. However, that policy never worked because it never stopped unauthorised encampments. The sites, having been built 20-odd years ago with no forethought of families growing, have not changed and some are now falling into disrepair. After 10 years, the site that I am on was given another 100 per cent funding for an upgrading, which was done by the local authority. Fortunately, South Ayrshire Council is pretty active in supporting Travellers and their culture and has kept the site up to a very high standard.

Unfortunately, matters are left to individual local authorities when central Government says that it wants strategies to be drawn up to manage unauthorised encampments. When central Government sends out the requirement to local authorities, each local authority will draw up a different strategy. You can come into South Ayrshire with your family and your dog, but you must leave your dog behind if you go into Dumfries and Galloway. No two strategies are ever exactly the same. If central Government set out the strategy, I think that all local authorities would follow it. Requiring individual local authorities to come up with their own strategies does not work.

The Convener: John Finnie has a supplementary question on that point.

John Finnie: My question is on occupancy, which we have heard about from a number of people. If I noted it correctly, two sites in North Lanarkshire were closed due to occupancy issues. I would like to direct my question to Mr Buchanan about the situation—I represent the area and I have visited the site—at Benderloch. Obviously, you are responsible for the sites and for the housing stock. We heard from one of the Benderloch occupants about this issue, so let me rephrase it in the following way. If I, as a Gypsy Traveller, were to come on to that site and then chose to travel, could my place on that site be retained?

Rod Buchanan: Under the terms of the tenancy agreement, you cannot go away for just any length of time, so it would not be retained.

John Finnie: What is the allowed length of time?

Rod Buchanan: Tenants who are to be away for more than a month need to let the association know. If that was clearly—

John Finnie: Forgive me, please. If I was one of your housing tenants, could I go away for more than a month's holiday?

Rod Buchanan: You could not do that without letting us know.

John Finnie: Really?

Rod Buchanan: Yes—that is part of the standard Scottish secure tenancy agreement.

John Finnie: I have learned something already. How is that policy compatible with the traditional pattern of seasonal travel?

Rod Buchanan: I appreciate fully where you are coming from. Having worked on Traveller sites in Argyll for a fair number of years, I would say that the vast majority of Travellers who come on to our sites stay and are settled. There are also some who come and go, which is fine. However,

we do not have provision for transient sites; they are classed as permanent sites, so people come there permanently.

John Finnie: Does that not dismiss the travel element? For instance, we heard that people want to travel to the north-east, but their options are limited.

Alex Johnstone: As an aside, let me say that many of the Travellers to whom I have spoken in the north-east have described themselves as Argyll Travellers.

Rod Buchanan: I do not disagree with that. There are in Argyll some itinerant or transient Travellers who move around. They come into the area and there is no reason why they cannot move on to a site if we have a vacancy. I take your point that there may be an issue if a site is full, as has happened at Lochgilphead, but that is the first time for many years.

John Finnie: With respect, the emphasis is wrong. If we are saying that we recognise the Traveller lifestyle, if people want to have a base on one of your sites, surely it is incompatible to say "That can be your base for 48 weeks of the year, but if you go away for more than a month, you lose your place" when people are willing to pay rent for the site.

10:45

Rod Buchanan: We permit people to go away for two or three months as long as we are aware of it.

John Finnie: Has that information been shared with your tenants? We have heard concerns about that.

Rod Buchanan: It is certainly something that we can express to tenants.

John Finnie: It would be very helpful if you could do that.

Brian Kane: That might be where there is a bit of inconsistency. Kevin McGown can correct me if I am wrong, but back when the sites were originally established, people could spend a 12-week period off-site and retain their pitch. That was the done thing at the time to allow people to go to Appleby fair or for other cultural reasons. As far as I am aware, that changed only if they were on housing benefit. If anyone went away from a house for more than two weeks, the council would look to find out why it was still paying housing benefit for a period of 12 weeks. That is still under consultation and the situation is about to change again.

When it comes to the tenancy agreement, it should be borne in mind that a pitch on the site is not a secure tenancy—in our case, the

requirement is seven days' notice in either direction whereas, in a house, people have secure tenancies. If Travellers want to up and go within seven days, they can just go, which is something that Travellers fought for years ago.

Rod Buchanan: I can clarify for Mr Finnie that the ACHA lease permits people to leave for eight weeks. I would be happy to negotiate for any Traveller who said that they were planning to go away for the summer and would be back in August or whenever. We will normally accept that as long as we are made aware of it.

John Finnie: Thank you—that is very helpful.

John Mason: Let us move on to the slightly different subject of liaison officers and site managers. The witnesses around the table have a variety of titles. Having recently joined the committee, I have the impression that a variety of titles are used in councils. Liaison officers are sometimes site managers as well, but that is sometimes a different role. In North Lanarkshire there are no site managers, only liaison officers. Advice was given years ago that the roles should be separate, but some people appear to be arguing that there are advantages to combining the roles, as well as disadvantages. I would be interested in your comments about how it works in practice.

Kevin McGown: In North Lanarkshire, the travelling people's liaison officer post was associated with social work. It encompassed aspects such as childcare, benefits and housing issues. The site manager tended to deal with issues on the site, whereas the liaison officer was involved in all sorts of things—liaising with different departments within the authority, including education, housing and social work, as well as with outside agencies including the police. The liaison officer is the link between all the bodies within and outside the council.

John Mason: Has that worked well?

Kevin McGown: Yes.

John Mason: Has there been a good relationship between the different departments and police, social work and so on?

Kevin McGown: Yes, there has. Because I have been in post for a number of years, I have a great relationship with the Travellers. Planning now seems to be an issue, where Travellers are seeking planning consent for their own place to stay with their small family. That is an issue on which we liaise with the planning department at an early stage, instead of the Traveller saying, "I want to buy a piece of ground in X" where X is greenbelt land and there is no likelihood of their getting planning permission. We liaise with the planning department to find out whether the place is

suitable and, if it is not, to see whether there are alternatives that they might want to consider. It is about liaison between all agencies, both inside and outside the local authority.

John Mason: Would I be right in saying that perhaps that is not replicated all the way round the country?

Brian Kane: In defence of site managers, I perform the same role as Kevin McGown in that I deal with estates and other departments within and outwith the council on behalf of the Travellers.

John Mason: Does that give you the advantage of a closer relationship with some of the Gypsy Travellers?

Brian Kane: Yes. The advantage is that I act on their behalf rather than as the site manager. I act as a liaison officer, liaising on behalf of the Travellers with, for example, the national health service, planning departments and so on.

John Mason: Is there a clash between your two roles?

Brian Kane: No. I have never had a clash between the roles—they are totally separate.

John Mason: I would be interested in Mr Black's view from a slightly different angle.

Dave Black: My role is probably quite different from that of most people here, in that it is independent from the council. The committee recommended some years ago that councils should consider that point.

There was a reference earlier to engagement. It makes it easier if we are not responsible for enforcement action or for deciding whether a group is allowed to stay where it is or whether it has to be moved on. I appreciate not having a role in that, which is done in Aberdeenshire by environmental health officers. I can deal with the liaison with health, education or social work, whichever services are appropriate, and I do not have to be the one who decides whether a group or family is moving on. That is a useful division of labour.

Mhairi Craig: I echo Dave Black's views. I work for Shelter, which is an independent organisation. We offer independent support, advice and advocacy to any Travellers we come across. I work closely with site managers, too. However, I think that the Travellers appreciate having an independent organisation that they can go to. Like Dave Black, I am not responsible for moving people on or anything like that. We are there completely to represent the Travellers.

John Mason: I can see the different angles and the advantages of each. The North Lanarkshire model sounds attractive, because somebody in the council acts on behalf of the Travellers.

However, you still feel that your independence is an advantage.

Mhairi Craig: I think that the Travellers appreciate that. However, it is important to work closely with the council. I have always made a point of working closely with site managers and keeping them in the loop about what I am doing with Travellers, and they do the same for me. However, being independent has advantages.

Siobhan McMahon: When we were talking about unauthorised encampments, Mr Kane, you said in an answer to me that your responsibility is to advocate on behalf of the council. However, when we talked about the liaison officer, you said that you are for the Gypsy Travellers and that of course there is no conflict between your roles. That is confusing for me, so I can imagine why it is confusing for Gypsy Travellers. I would like clarification on that.

Some of the sites that we have visited have an approachable site manager, but they are there only one day a week and do not actually approach any Gypsy Travellers; instead, they sit and wait for the Gypsy Travellers to come and chap the door. I do not think that that is the best approach. Given that a predecessor committee specified in a report in 2001 that roles should be more diverse and that we have seen that kind of approach being taken, I wonder how there is no conflict between your roles.

Brian Kane: Historically, there was only one liaison officer for the pan-Ayrshire area: North Ayrshire, South Ayrshire and East Ayrshire. Whenever he visited Travellers on a site or elsewhere, I accompanied him. I found that I ended up taking on his role if he could not make it to any places. When we went to the single-tier structure, I think that doing away with the role of liaison officer was purely a financial decision. It was decided that the site manager for North Ayrshire and South Ayrshire could perform that role. East Ayrshire does not have a site, nor a liaison officer; until recently, the local authority did not even have a contact for Travellers. We have looked over the two areas. We have a dedicated nurse for each Ayrshire; if there is no liaison officer for the dedicated nurse to go to, they tend to call on one or the other of the site managers.

As Kevin McGown said, you cannot train for a job with Travellers. You learn the job while you are in it. You have got to know the Travellers and if you are there for any length of time, that is fine. If you are not aware of the Traveller culture, and everyone comes into the job in ignorance, you will learn a lot.

I still do not see that there is a role in my area for a separate liaison officer, because I cannot see what they would do that I could not do.

Siobhan McMahon: The point that we are trying to make is that someone has to act as an advocate on behalf of the Gypsy Travellers. You said in your answer to me that your primary responsibility is to the local authority. Should the two functions not be separate?

Brian Kane: I am employed by the local authority. If I had an example of a time when I could not assist a Traveller because I am a local authority worker, I could give it to you; however, I cannot think of anything.

Siobhan McMahon: Thank you.

Dennis Robertson: You are a local authority employee, so if your manager takes a particular view of the Gypsy Traveller community or a site, you would be carrying out their instructions and not those of the Gypsy Traveller community. Do you not accept that?

Mhairi Craig: Gypsy Travellers are just like people who live in houses. If people in houses had only their housing officer to deal with, they would not get impartial or independent advice. Organisations such as Shelter exist to provide people with independent advice and support and Gypsy Travellers are as much entitled to that support and advice as anyone else.

Kevin McGown: I think of my role as an advocacy role. I have fought against internal departments when I have questioned why we are doing something for Gypsy Travellers. I have taken up their issues when they did not feel that they were getting a fair crack of the whip. I can take up those issues and argue with the council on their behalf.

We are dealing with a lot of issues these days, because older Travellers' health is a big concern. We deal with a lot of benefit and housing issues by acting on behalf of the Traveller. Filling in forms is a particular issue. I am sure that we are all aware of the disability living allowance forms, which can be horrendous for some people to fill in. People are only asking for their entitlements—they are not asking for anything special, just what they are entitled to.

Dennis Robertson: That would include accommodation.

Kevin McGown: Yes, whether it is on a site or in a house.

Brian Kane: In response to Siobhan McMahon and Dennis Robertson, the other thing to say is that site managers in different authorities have different roles. There are site managers, or liaison officers, if you want to call them that, who have nothing to do with unauthorised encampments. Either environmental health or, in some cases, the legal department deals with that. I can never find out how that is of assistance to any Traveller.

If I needed an independent view, I could contact Mhairi Craig—I have her phone number—and say, "I have a problem here. Can you assist me?"

People having different roles and local authorities having different rules and strategies causes problems. There is a lack of co-ordination in local authorities. We are trying to pull things a little bit tighter. In our pan-Ayrshire work, we looked at having a transit site that might cover the three Ayrshire council areas rather than just the one. It is very early days and the issue is still open for discussion. I do not think that we are anywhere near considering what we could use such a site for and what it would consist of.

11:00

The Convener: Marco Biagi is next. After him, we will hear from Siobhan McMahon, who has a question about housing needs assessments.

Marco Biagi: We have focused heavily on the sites, but it has come up intermittently that some Gypsy Travellers will move into houses, although they may well move back to sites. What sort of issues does that throw up? I presume that, from a liaison point of view, people who are in houses are harder to reach. I would be interested to hear participants' views on that.

Brian Kane: I think that most people would agree that Travellers who move into houses try to keep some anonymity—they do not want it to be known by local people that they are Travellers.

On the other hand, Travellers whom I work with in the town of Girvan will come to me for simple things such as help with filling in passport forms or advice on where to go. We liaise with Travellers and—hopefully—advise them correctly on matters such as housing benefit. We perform a signposting role. As Kevin McGown said, the health side of things is very important to Travellers. We work closely with health services and assist Travellers with that. We still perform a liaison role with Travellers, even when they have moved out of a site into a house. Some Travellers move off the road into houses. Traditionally, a lot of Travellers do that over winter.

Kevin McGown: We tend to find that Traveller families who go into houses want to stay beside one another, or in the near vicinity, so we will have a number of Traveller families within three or four streets of one another. That is a result of their applying for accommodation through the local housing office.

Marco Biagi: In your experience, do Gypsy Travellers tend to encounter more acrimony, for want of a better word, from the settled community, for want of a better term, if they are in houses rather than in sites, or is it the other way round?

Mhairi Craig: As has been said, when they live in houses, they tend not to identify themselves as Travellers. Unfortunately, that can result in families becoming distanced from each other, because people who are in houses do not want members of their family who live in caravans to come and visit them, as they will be recognised as Travellers. That can cause family splits, which is extremely unfortunate.

Marco Biagi: Can I clarify something? You said that Gypsy Travellers do not identify themselves as such when they are in houses. I take it that they would still self-identify as Gypsy Travellers; it is just that they do not publicly identify themselves as such.

Mhairi Craig: It is difficult to know that. It is only in the past six to eight months that I have made contact with Travellers in houses. I have done that through site contacts. People have been referred to me by extended family members. They have identified themselves as Travellers to me, but I tend to think that they would still not do so to other people.

When the information emerges from the most recent census, it will be interesting to find out how many people who are in houses identify their ethnic origin as Gypsy Traveller.

Dave Black: I want to pick up on some of the points that have been made. I find that word of mouth is definitely one of the main ways in which members of the travelling community find out about me—people whom I visited in encampments will pass on my details. I have had a few phone calls from people who are from a travelling background who are now in housing.

I have noticed that Gypsy Travellers in housing, on a site or on the side of the road have some of the same cultural attitudes towards secondary education. They still do not feel that standard secondary education is suitable for their children because of fears about bullying or the issues to which they will be exposed in secondary education.

Those issues come up for Travellers in settled housing as well. I have received quite a few contacts and phone calls about that and have tried to help people who want to get home schooling for their children even though they are in settled housing.

Kevin McGown: On housing application forms, applicants are asked for their ethnicity. We have a space for Gypsy Travellers, just as we would for any other nationality, but it is not always filled in. I agree with Mhairi Craig. Perhaps because of previous generations' fear of the bullying and anti-Traveller feeling that has existed, Travellers do not tick the box for Gypsy Traveller.

Mhairi Craig mentioned the census. There are huge disparities between the figures for the number of Gypsy Travellers in Scotland. There are four or five different figures, but I am not sure whether the census will help because, although I told families that there was a box specifically for them and asked them whether they would tick it, they just ticked the box for white Scottish.

There is a heritage not so much of suspicion but of wariness and not wanting to be identified as Gypsy Travellers.

Rod Buchanan: I agree with Mr McGown. I know that there is a bit of suspicion regarding ethnicity on forms.

I have a fair bit of experience of Travellers moving into settled accommodation. In general, in mid Argyll, that has been a wee bit different from experiences such as Mhairi Craig's because the community is transparent. Everybody knows everybody and the Travellers are well known, so any Travellers who move into the settled community are transparent in the community.

That has had major advantages and disadvantages. In general, the travelling community is reasonably well respected locally. However, one or two families are well known and we have experienced severe prejudice from local communities when looking to house one or two families that had a bit of a reputation.

In general, there is a lot of support for Travellers and all people moving into accommodation nowadays, such as welfare rights, support to help them settle into the tenancy and post-settling-in visits. Those are all picked up on and most Travellers have assimilated well into the community.

Siobhan McMahon: I have a supplementary question on tenancy agreements. Amnesty published a report that found that there was no single model for tenancy agreements, although the Equal Opportunities Committee recommended the development of a model agreement in its 2001 report. What are the witnesses' opinions on that? How can the matter be addressed?

Gypsy Travellers who are in settled accommodation may want to travel for the summer. Is that built into their tenancy agreement when they take up a house? How does it work for them if they are on site?

Can central Government help on tenancy agreements? Should it come up with a model that everyone should follow or should it be down to each individual local authority to develop one?

Mhairi Craig: It would be really good to have a main model for occupancy agreements, particularly for sites, because there are big

differences between the occupancy agreements even between the three authorities that I deal with.

In East Lothian and Midlothian, we drew up a new occupancy agreement last year that was as closely modelled on a secure tenancy as we could possibly get it to be without it actually being a secure tenancy because it did not involve a house. That has given Travellers the right to repair and so on. Included in that agreement is a break clause of 12 weeks so that they can leave when they want to travel, provided that they give notice. However, there is an issue with the benefits side of it, as mentioned earlier. Although they can leave, that is not always practical because of claiming housing benefit.

Siobhan McMahon: Are you aware of anyone making representation to, for example, the Parliament's Welfare Reform Committee, which is looking at how housing benefit will be administered in Scotland? To your knowledge, is any representation being made for Gypsy Travellers in that regard? The issue has not been raised in the chamber.

Mhairi Craig: To my knowledge, no representation has been made.

Kevin McGown: One of the main issues, as Mhairi Craig said, is that if Gypsy Travellers are settled on a site and move away in the summer, they cannot claim housing benefit in two different areas. We can build a rule book, but some facets get missed that we have to take into consideration. There is no benefit in leaving Travellers sitting on the roadside because they cannot get housing benefit. If we can put them on a site, they can get facilities and access to our services rather than just being left in an encampment somewhere.

Brian Kane: I am a great advocate that things should come from central Government, because a lot of pressure is put on local authorities to come up with things. That is fine if we all sing the same tune, but we do not. Some authorities are far apart. Again, it is down to individual local authorities how the site manager is supported and what his roles are. Some site managers or liaison officers do not carry out duties with regard to unauthorised encampments; they do not offer services. The only time that I am not involved is if the local authority decides to take legal action. I take a back seat on that because I cannot act in two roles: I cannot act for the local authority to carry out an eviction and act for the Traveller for services.

Central Government has laid a lot of things on local authorities. Policies should be laid down by central Government rather than things being interpreted in different ways by different local authorities.

John Mason: From listening to the discussion, it seems to me that there are quite different situations in the north-east, in North Lanarkshire and in Ayrshire. Is there not a wee bit of danger in things being too centralised?

Brian Kane: I see where you are coming from. However, although we have a good site managers association and we try to pick up on good practice from other local authorities, what annoys me sometimes as a site manager is that without the backing of the respective local authorities in allowing their site managers to copy that good practice, it is never going to work.

If the rules come from central Government and set out what each authority must do with regard to housing, tenancy agreements and so on, we would be fine. We were asked to mirror the new Scottish tenancy as far as we could. Mhairi Craig mentioned two local authorities that did that. We have done it as well, but other local authorities have not and it is about different rules again—rather than a tenancy agreement, it is four sheets of paper with rules and regulations with regard to the site.

John Mason: Thank you.

The Convener: I have a question for Dave Black, but I am also keen to hear the views of the other witnesses. How did the dialogue day change the relationship between the Gypsy Traveller community and the settled community, what work did you do before you had the dialogue day and what on-going work do you do? My question for the other witnesses is this: what on-going work do you do to build relationships between the Gypsy Traveller community and the settled community?

11:15

Dave Black: Most people will be aware that there were a lot of tensions between Gypsy Traveller groups and settled communities in the north-east in 2010-11 and earlier. In April 2010, we held a dialogue day event to address the issues and to get a lot of the stakeholders in the same room together. We built that day, and we worked alongside a Gypsy Traveller volunteer at GREC. We tried to make the day informal so that people would feel comfortable coming along to it. We invited a lot of the relevant people from local authorities in the north-east and about 20 Travellers came from the more settled sites in Aberdeen. The work prior to the event was to encourage people to take part and to build on the relationships that we already had. Especially useful was having someone on board from within the community who could encourage people to see the benefit of coming along.

The day worked well. We asked people to identify the issues that were important to them and

then split up into discussion groups to discuss those issues, which included education, health, unauthorised encampments, the role of the police and developing sites.

I guess that an important thing that came out of the day was the fact that people from community councils were sitting around the same table as Gypsy Travellers—even though there have been plenty of opportunities for each group to speak about each other, that was probably the first time that that had happened. It was a useful exercise for people to see things from the other side and to think of solutions that work for everyone.

A few suggestions came out of the day that related to working with the site at Clinterty, including developing the community centre, which had been unused for a few years, addressing some of the equality issues, such as access to health and education, working with the residents to take ownership of the community centre and encouraging long-term engagement with the groups of people who are discussing Gypsy Traveller issues without any Gypsy Travellers being present. We are working on those areas at the moment. Any opportunity that requires increased engagement and building up trust is good because, when it comes to looking at site development, it is much easier to speak to people whom you have started to build relationships with and to have an open and honest conversation about what is being planned or suggested by the local authority.

The Convener: Has that changed perceptions of Gypsy Travellers in the settled community? Has there been more interaction between the two communities?

Dave Black: That is difficult to assess. One positive difference that we have noticed is the media coverage. The dialogue day presented a good opportunity for people in the media to cover a story and hear the different sides of the argument. We had Gypsy Travellers speaking to the press outside the event and that has made quite a big difference. It also led to a bit of a difference in the positions adopted by elected officials, in that they were no longer saying that Gypsy Travellers are a problem that they needed to get rid of; instead, they were saying that there is a problem to which the answer is that site provision is needed and things need to move forward. In fact, we heard some elected officials saying in the press, “We have been the problem and we need to stop being the problem,” which is positive.

We are working to increase engagement on a small level. Such things take a lot of time to build up and that is what we are trying to do at the Clinterty community centre, for example. However,

the issues cannot just be changed with a one-day event; they will change only over the long term.

Brian Kane: Dave Black mentioned engagement with the Travellers. The other word that has come up over the past 10 years is “consult”—we never consulted Travellers before. The first time that consulting Travellers was mentioned to me was regarding the upgrading of the site. With the grant that we had, we finally realised that we had to consult the people who were going to live on the site. When the site was originally built, it was a case of, “This is the site and here are the guidelines of what it will look like,” and there was probably no or very little consultation with Travellers.

You learn a lot through consultation. We had our meeting with the Travellers and I am so glad that we did, because there were things that I had never noticed. Even when only small amounts of money are available, you can ask for any ideas of what is needed or what people could do with. I am going through that process again, just now. Something that must always be remembered, especially when on-site, is that you should consult with those who will live there.

The term “transit site” was mentioned. I had to go to Travellers and say, “If there was a transit site—or short stay site or whatever you want to call it—what facilities would you require? What would you want?” Very little was asked for. The problem with transit sites is location. Where do you put them?

Kevin McGown: Although we do not have such sites, on North Lanarkshire Council’s website we have a section on frequently asked questions regarding Gypsy Travellers, which, for the settled community, is well worth reading. It provides a lot of information, particularly on unauthorised encampments. That is something that we developed.

The Convener: Is there interaction between the settled community and the Gypsy Traveller community and do you act as a link between the two?

Kevin McGown: Yes. Unfortunately, we do not have such sites, so the issue for us is unauthorised encampments, and I liaise with the Travellers and the settled community on the subject of rights, as well. The first thing that people in the settled community say is, “Get them moved,” and I say, “Move back a bit—you can’t do that. Let’s see what the legality is.” Building communication is a big issue.

The Convener: I would be keen to hear the views of Mr Buchanan and Mr Goodall.

Rod Buchanan: With regard to engaging with Travellers, things have moved on. As I said, in

Lochgilphead we have a residents association, which is a good forum for communication with Travellers and aspirations are quite specific. Obviously, we can deal with the smaller things right away and be seen to be doing something. Our bigger aspiration is basically that we would like the site to be rebuilt and we would like a site like the one in Perth. The Travellers say, "This is what's coming through. We would like a site much like the Perth one."

However, we have the legacy of where we are, which is the difficulty that we have. It is way from our ideal, but in terms of—

The Convener: That is very useful, but I am keen to hear what you do to bring the two communities together to break down the existing barriers.

Rod Buchanan: We have education and health projects on the go that involve travelling people. In terms of specifically trying to break down barriers, I am hearing feedback from Dave Black and people like him about what they are doing, which sounds quite useful.

The Convener: So you are not doing such things now.

Rod Buchanan: We are not doing anything specifically on that, no.

Bill Goodall: We at Perth and Kinross Council have a very settled site and it is nice to hear that someone is envious of it. I do not think that we experience the same friction as other areas. We get tradesmen who visit the site who know, for example, that they have played football or gone to school with the chap at number 10. There is not the same friction between the settled community and the Travellers as there is elsewhere.

There is very little movement around Perth. As you may know, we installed three-bedroom chalets five years ago and we upgraded them with full gas central heating a year ago.

The Convener: It is one of the sites that the committee visited.

Bill Goodall: I do not think that the Gypsy Travellers who stay there want to travel. I know that, without exception, none of them travels a great deal, other than to visit families for a week or so a year. They are very settled.

Brian Kane: I go to Bill Goodall's site, which is unique. I do not know of any other local authority that could afford to do what Perth and Kinross has done. I know that mine could not. I have also heard a rumour that there will be another site in Perth and Kinross along the same lines. Where the money is coming from for that I do not know.

I am struggling to get new flooring on the site, due to budget restraints. I do not like to make

comparisons with Bill's site. He has built a small village with houses. It is not along the lines of a Gypsy Traveller site.

The Convener: Mhairi Craig, do you work with the Gypsy Traveller community and the settled community to try to build relationships?

Mhairi Craig: In my work with East Lothian Council and Midlothian Council last year, we ran a series of awareness-raising sessions with council employees, police, teachers and voluntary organisations. They were well received and a lot of people said that they had learned a lot that they did not know about the travelling community. Travellers were involved in those sessions as well. There are organisations that do the same sort of thing in Edinburgh, but I am not involved with them.

I work closely with the Travellers and support them in relation to benefits and so on. I do not really have a lot to do with the liaison between the settled community and the travelling community. In my experience, however, the Travellers at the site in Duddingston seem to be very much a part of the community of Craigmillar and are quite well accepted.

Siobhan McMahon: We are aware that, when new sites are being planned, an accommodation needs assessment takes place. What does that entail? We have heard in evidence that, when they are conducted, little happens with them. When you decide not to act on them, what are the reasons for that?

Brian Kane: The difficulty with new sites is location. I spent two weeks going around the whole of South Ayrshire, looking at potential sites that we owned. I identified half a dozen, but there was no political will to do anything with them.

Siobhan McMahon: Would the assessment just involve you visiting a potential site?

Brian Kane: The Government asked us to assess whether there was a need for a transit site. At the time, the Government seemed quite keen that each local authority would have a transit site. However, there was no consultation with us about the definition of transit. Does it mean six weeks? Eight weeks? What facilities are required? Where would the money come from?

Siobhan McMahon: I am trying to get at what an assessment would entail. I have never conducted an assessment. What processes do you go through? I understand that you were looking for a transit site, but how would you conduct that assessment?

Brian Kane: By consulting the Travellers in the area. We ask them whether they would use a transit site if we had one. We consulted people in

unauthorised encampments and on the local authority site.

Kevin McGown: That goes back to what we were saying about the mapping exercise. We identify hotspots where Travellers go year after year, and authorities might want to set up a transit site rather than just having people use the edge of an industrial estate.

Siobhan McMahon: What I am trying to get at is, when you conduct an assessment, do you consider issues such as whether the site has access to toilets or whether you have to build toilets, where the road links are, where the closest site is and whether it will be accessible to elderly and disabled people and so on? Do you tick all those boxes and then come to a conclusion based on those factors, or do you simply say that you do not have the funding for it? The evidence suggests that the assessments are conducted—although I am still not sure what happens in that assessment, apart from you going to visit a potential site—but nothing else then happens, because the site is not what the Gypsy Travellers want. Are all those issues considered?

11:30

Kevin McGown: They are some of the things that are considered. As we said earlier, sites tend to be in the worst places in the local authority area. However, the site has to have accessibility to services such as schools, doctors, roads and local authority first-stop shops, where people can go and ask questions.

Building a site in the middle of the country might be nice from a nimby point of view, as it is not near anyone, but that is probably the worst place to build it. You have to build a site where there is access to facilities. That is what you should consider when you do your assessment. Is the facility near a school with capacity to take the children? Is it near a health centre? Are there good communication routes? All of those things have to be in place.

Dennis Robertson: I have a brief supplementary question—I am conscious of the time.

People might feel reluctant to answer this question, I suppose. Do you feel that councils are more content to deal with the consequences of unauthorised sites than to engage proactively in the creation of permanent or transient sites?

Bill Goodall: In Perth and Kinross, it is something that we are considering closely at the moment. The issue of location is difficult. There are a million and one questions to ask. How is this going to work? How is it going to be appropriate?

Dennis Robertson: I get the feeling, from the evidence that we have heard, that local authorities seem to be more content to deal with the consequences of unauthorised sites than to develop sites, whether they are permanent or transient. To be perfectly honest, I think that that is pretty clear.

Bill Goodall: We have few transient Travellers, compared with other areas. I take my hat off to the council for the fact that it is considering locating a transient site somewhere.

The Convener: Unfortunately, I must draw the meeting to a close. I thank the witnesses for giving evidence this morning. It has been useful to the committee.

Our next meeting will be on Thursday 10 January 2013.

Meeting closed at 11:32.

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