



House of Commons

ODPM: Housing, Planning,
Local Government and the
Regions Committee

Gypsy and Traveller Sites

Thirteenth Report of Session 2003–04

Volume I



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Report, together with formal minutes

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The ODPM: Housing, Planning, Local Government and the Regions Committee

The ODPM: Housing, Planning, Local Government and the Regions Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Office of the Deputy Prime Minister and its associated bodies.

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Committee staff

The current staff of the Committee are Kate Emms (Clerk), Charlotte Littleboy (Second Clerk), Libby Preston (Second Clerk), Ben Kochan (Committee Specialist), Haidee Brockway (Committee Specialist), Ian Hook (Committee Assistant), Ian Blair (Chief Office Clerk) and Emma Carey (Secretary).

Contacts

All correspondence should be addressed to the Clerk of the ODPM: Housing, Planning, Local Government and the Regions Committee, House of Commons, 7 Millbank, London SW1P 3JA. The telephone number for general enquiries is 020 7219 1353; the Committee's email address is odpmcom@parliament.uk

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Summary

English people have very contradictory views about Gypsies and Travellers. On the one hand some are very pleased to employ them, trade with them and use their services. On the other hand they are appalled at the prospect of them setting up their mobile homes anywhere nearby for fear, whether real or not, of crime and anti-social behaviour. This dichotomy is at the centre of the way Gypsies and Travellers have been treated in England over the last 50 years. Whereas once Gypsies and Travellers tended to move in small groups, because of public hostility to their encampments, they have tended in recent years to move in larger groups - and this often aggravates the problems, particularly where use illegal sites. This report assesses the extent of the problems faced both by Gypsies and Travellers and the settled community, and suggests ways to reduce the conflict, misery and nuisance now being caused.

During the course of this inquiry, it became quite clear to the Committee that the data available on the numbers of Gypsies and Travellers, the proportion that are regular Travellers rather than generally settled on sites, and the interest of the travelling community in permanent homes as an alternative to travelling, was markedly lacking. We are painfully aware that the Committee's recommendations and the Government's approach are made in a situation of a considerable lack of knowledge. We therefore pre-empt our recommendations with the request that a detailed study of the situation be undertaken on behalf of the ODPM so that changes have the benefit of knowledge.

The most important issue we tackle is the lack of sites available to Gypsies and Travellers. Over 3500 Gypsies and Travellers, 20% of the travelling community, have no legal place where they can stop their caravan. This situation is unlikely to change without some form of Government intervention. We recommend that the Government re-introduce a statutory requirement for local authorities to provide sites for accommodation of Gypsies and Travellers in their areas. The duty should be imposed on all local authorities based on an assessment of need at regional level. The Government should establish a Gypsy and Traveller Taskforce to identify potential sites and ensure site vacancies are co-ordinated across the country and in regions and counties as appropriate. We recommend that a capital grant is provided to ensure local authorities are able to develop new sites.

Most illegal encampments stem from a lack of legal places for Gypsies and Travellers to stop. We have received evidence from organisations and individuals highlighting the anger they feel when groups of Gypsies and Travellers camp illegally on land which they do not own. The settled community are frustrated that Gypsies and Travellers establish encampments regardless of the availability of sites. It can be a long and difficult process, entailing huge expense, to move people on. If more sites were available, a proportion of the Gypsy and Traveller community would utilise these sites and recognise that illegal encampments would not be accepted nor tolerated. The police would then be able to use their powers to move on any illegal campers much more quickly.

It is important to remember that Gypsy/Traveller sites are residential and should be located only in areas considered appropriate for general residential use. We recommend that sites should be within realistic access of services and allow interaction between the

Gypsy/Traveller and settled communities. All sites should be proportionate to the size of the community in which they are placed and when planning permission is given for a site, a cap should be placed on the number of people who are allowed to live on it, whilst allowing some flexibility for natural increase. The number of long-term visitors on a site should be controlled by planning powers and enforced by the site manager. The current guidelines relating to site design and standards must be updated in the light of modern space standards and services, health and safety provisions and requirements for catering for disability.

Effective site management is key to the success of a Gypsy and Traveller site. There is no real consensus as to whether a particular management arrangement works better than any other. Some believe that Gypsies and Travellers make better managers because they understand the culture of the residents, but others argue that Gypsy and Traveller managed sites operate harsher management regimes and selective lettings policies. Whichever management approach is adopted, regular site presence by the manager is vital. Site management should be firm, fair and consistent, treating all residents equally and taking action early if residents break site licence agreements.

The relationship between the police and the travelling community has not always been easy, however tackling anti-social behaviour within the Gypsy and Traveller community will require building of trust between these groups and improved communication. Without support from the travelling community, the police are unable to clamp down on the unruly and disruptive. Witnesses to incidents must be prepared to come forward and testify. The proposed police national intelligence system, 'IMPACT' will be a useful tool in tracking and dealing with anti-social behaviour in the Gypsy and Traveller community. We recommend the Government use the proposed Gypsy and Traveller Taskforce to identify other ways in which anti-social behaviour within the travelling community can be addressed.

1 Introduction

1. Estimates of the size of the Gypsy and Traveller population in the United Kingdom range between 90 000 and 120 000.¹ Provision of suitable accommodation is critical to improving health and educational attainment within the Gypsy and Traveller² community and ensuring access to services. From 1968 to 1994 local authorities had a legal requirement to provide places for Gypsies and Travellers to site their caravans. In 1994 the requirement was withdrawn. The current situation is that there are too few sites where Gypsies and Travellers can legally camp. Many camp where they can, sometimes on unsuitable sites such as playing fields, supermarket car parks, or green belt land.

2. Stopping without permission in areas causes inconvenience and anger within the settled community³ who do not understand why Gypsies and Travellers are not immediately evicted. Local authorities and the police have extensive powers to move unauthorised campers but to use these powers they must first have identified a legal place to which to move the campers. There are only 320 local authority Gypsy and Traveller sites in England, providing 5000 pitches. Eight out of ten sites have waiting lists for pitches, making it difficult for the police to fulfil their duty.⁴

3. Under the Housing Act 1996, a person is homeless if they have accommodation but “it consists of a moveable structure, vehicle or vessel designed or adapted for human habitation and there is no legal place where he is entitled or permitted both to place it and to reside in it”.⁵ The Traveller Law Reform Coalition estimates that there are 3500 Gypsy and Traveller caravans on unauthorised encampments, meaning that in the eyes of the law 20% of the Gypsy and Traveller community are homeless.

4. During this inquiry we have been told by local politicians that it is difficult to provide Gypsy and Traveller sites because the local electorate will not support provision of sites. In a recent report Pat Niner suggests that the planning system discriminates against Gypsies and Travellers with 80% of applications refused, as opposed to 10% of applications from the settled community. Until more sites are provided, local authorities and the police will continue to find it difficult to balance the needs of the travelling and settled communities.

5. This inquiry has revealed the difficulties of addressing the needs of Gypsies and Travellers, who as a group are not homogeneous or easy to define. A range of groups with different histories, cultures and beliefs may be encompassed within the description “Gypsies and Travellers” including:

¹ Centre for Urban and Regional Studies at the University of Birmingham, *The Provision and Condition of Local Authority Gypsy/Traveller Sites in England*, 2002 , pg 9

² In recognition of the distinct identities of these groups it is conventional to capitalise the initial letters of these words. We have done this apart from when quoting from text without capitalisation. The submission from the Office of the Deputy Prime Minister argues that capitalisation should be used for an ethnic definition, but not for planning definitions [Ev1].

³ This term is conventionally used to describe the non-Gypsy and Traveller community.

⁴ Centre for Urban and Regional Studies at the University of Birmingham, *The Provision and Condition of Local Authority Gypsy/Traveller Sites in England*, 2002 , pg 31

⁵ Lord Avebury, Member of the House of Lords, *Travellers and the Homelessness Act*, 8 September 203

- Gypsy-Travellers, encompassing Irish Travellers, Scottish Gypsies/Travellers, English Gypsies, Romanies and Welsh Gypsies
- New (Age) Travellers
- Some argue that occupational travellers, such as showmen, waterway travellers and steel erectors should also be included, although legislation relating to these groups tends to differ from the first two groups.

This inquiry has focussed on the issues common to all Gypsy and Traveller groups identified in the first section, and makes no distinction between the differing groups within this section unless specified. During the course of the inquiry the Committee have become aware of many strains and divisions within the Gypsy and Traveller community.

6. Our terms of reference, published on 28 April 2004, invited submissions relating to the first two groups:

“The Committee has resolved to carry out an inquiry into the provision and management of Gypsy and Traveller sites within England, with particular reference to the following issues:

- Current provision and location of sites
- Demand for and use of sites
- Existing funding arrangements
- The Gypsy Site Refurbishment Grant scheme
- Site characteristics and the facilities provided
- Management of unauthorised camping
- ODPM statistical information on caravans, sites and families.”⁶

The Committee resolved not to deal with individual cases as part of the inquiry.

7. We received 53 submissions of evidence, most of which focussed on Gypsy-Travellers. The inquiry received little evidence relating to the specific needs of New (Age) Travellers. The Committee received a large number of very useful background papers; and some correspondence relating to individual cases, which were not considered as part of the inquiry. Members of the Committee participated in a number of visits as part of the inquiry including to Appleby Horsefair in Cumbria; Penny Hill and Star Hill Gypsy and Traveller sites in Hampshire; Peak Copse, a site in Dummer closed due to vandalism; a number of unauthorised encampments; and several accommodation schemes in South Dublin County, Republic of Ireland.⁷

⁶ Office of the Deputy Prime Minister: Housing, Planning, Local Government and the Regions Committee, PN27, 28 April 2004

⁷ In South Dublin County we visited Whitechurch Way, Kiltipper/Marlfield, Daletree Road, Owendoher Haven, Kimmage Manor Way and Greenhills Grove.

8. The Committee held three evidence sessions on the 22 and 29 June and 13 July 2004, and took oral evidence from 27 witnesses including; Dr Donald Kenrick; Dr Rob Home; the Traveller's Law Reform Coalition; the Gypsy Council (Romani Kris); the Commission for Racial Equality; Pat Niner; Cottenham Residents Association; the Traveller's Advice team at the Community Law Partnership; the National Association of Gypsy and Traveller Liaison Officers; the Association of Chief Police Officers; the Local Government Association; the National Association of Local Councils; Dawn Eastmead, Head of Housing Management Division, ODPM; John Stambollouian, Head of Planning Directorate Division, and the Rt. Hon Keith Hill MP, Minister of State for Housing and Planning. We appreciate the time spent and efforts made by all those who submitted evidence and acted as witnesses to the inquiry. We are particularly grateful to those who arranged and hosted our visits including George Summers, Gypsy and Traveller Service Manager for Hampshire County Council and Secretary of the National Association of Gypsy and Traveller Liaison Officers, and Mick Fagan of South Dublin County Council in Ireland. And of course, we are grateful to the Gypsies and Travellers who took time to speak to us on our site visits in England and Ireland; in particular Gordon Boswell, Paul Winters, Jimmy Coltman and Billy Brough who met us at Appleby Horsefair. We also wish to thank our specialist advisers, Frank Milne, David Smith and Vanessa Toulmin for their advice and assistance.

9. Many studies have been conducted and reports written which recommend ways to improve opportunities for Gypsies and Travellers. Few appear to have had any effect. A recent report from the Welsh Assembly Equality of Opportunity Committee recognises this: "We are aware of the depressing familiarity of much of what our report contains to anyone with an interest in their policy area. The issues are well known and understood, as are many of the solutions; the problem has always been delivering those solutions".⁸ Pat Niner from the Centre for Urban and Regional Studies at the University of Birmingham voices similar sentiments in the Centre's report on "The Provision and Condition of Local Authority Gypsy/Traveller Sites in England" published in 2002:

"Perhaps the most striking impression from the spectrum of research and reports from almost forty years is the similarity of the issues and concerns being discussed, and the resistance of the problems being identified to 'solution'. There are passages from the report on the 1965 census, from the Cripps or Wibberley reports which apply equally well today. There are particular continuities in terms of the basic demographic factors, poor health, prejudice and discrimination on the part of the settled community and very poor living conditions experienced by Gypsies and other Travellers not living on authorised sites. Resistance to site provision and objections from the settled community to proposals for development are recurring themes. One particular motif seen again and again is reference to the need to cater for nomadism through the provision of transit or transient sites or emergency stopping places."⁹

10. Concurrent with this inquiry, the Office of the Deputy Prime Minister has been conducting a review of accommodation for Gypsies and Travellers. This review was due to

⁸ National Assembly for Wales Equality of Opportunity Committee, *Review of Service Provision for Gypsies and Travellers*, May 2003, p 2.4

⁹ Centre for Urban and Regional Studies at the University of Birmingham, *The Provision and Condition of Local Authority Gypsy/Traveller Sites in England*, 2002, pg 10

report to Ministers in summer 2004, but the findings have not been made public at the time of writing. We hope our recommendations will be of use to Ministers as they consider the future direction of Gypsy and Traveller accommodation policy.

11. We cannot emphasise enough the importance of ensuring change is implemented on the ground. Our report should not be viewed as another well intentioned document destined to be shelved by the Government. Ministers make the right noises - indeed the Prime Minister himself stressed the commitment of the Government to tackling unauthorised encampments in Prime Minister's Questions on 15 September 2004 - but what is needed is a courageous Minister prepared to make a stand and to see words put into action.

12. We welcome the Government's review of accommodation policy, although we want to emphasise the need for swift progress in order to show both the Gypsy and Traveller community, and settled community, that the Government is willing to make difficult decisions and tackle these issues head on.

2 Background – Legislation and Policy

Accommodation Provision

The Caravan Sites and Control of Development Act 1960

13. Under section 24 of this Act, local authorities were given discretionary powers to provide caravan sites, but there was no mandatory duty. The aim was to regularise static caravan sites and raise standards for sites residents through requirements for planning permission and site licences. Caravans were prohibited from common land. This led to a reduction in the number of places where Gypsies could stop. Some central funds were available to fund provision of sites, but by 1967 only 14 had been built.

The Caravan Sites Act 1968

14. This Act, which came into force in 1970, placed a duty on county councils and districts to provide accommodation for Gypsies residing in and resorting to their areas. The Act required counties to assess the level of provision required, and to acquire the land. In Shire counties districts were responsible for the management of sites. If the Secretary of State deemed adequate provision to have been made, counties (and later individual districts) could apply to be 'designated'. This gave them increased powers to deal with illegal encampments. There was no time-scale given for local authorities to make provision, and some authorities failed to meet their obligations. The Secretary of State could direct a county to make adequate provision of sites but these powers were rarely used.

15. To ensure adequate numbers of sites and monitor progress in meeting the provisions of the 1968 Act, a bi-annual count of Gypsy caravans and families was introduced in England in 1979. It is voluntary, although has a high return rate; 94% of authorities completed the relevant form in January 2003. The Count is based on two returns made by local authorities to the Office of the Deputy Prime Minister:

- GS1 is a count of the number Gypsy caravans, families, adults and children on unauthorised sites, authorised local authority sites and authorised private sites in each local authority area on specified dates in January and July. Numbers on unauthorised sites are split according to land-ownership (Gypsy owned land and other) and 'toleration' status (local authorities may 'tolerate' some unauthorised encampments in the sense that they will not take enforcement action).
- GS2 assess the provision of local authority Gypsy sites. This return requires details of the address, total number of pitches, type of pitches (residential and transit), total caravan capacity, and date of opening for all local authority Gypsy and Traveller sites at a specified date in January each year.

Criminal Justice and Public Order Act 1994 (CJPOA)

16. Section 80 of this Act repealed the duty imposed on councils by the 1968 Act to provide sites. Grant aid for the provision of sites was also withdrawn. Further sections of the Act, which are explained later, dealt with police and local authority powers to remove unauthorised campers.

Housing Act 1996

17. This Act defined a person as homeless if they have accommodation but:

- i. Cannot secure entry to it, or
- ii. It consists of a moveable structure, vehicle or vessel designed or adapted for human habitation and there is no place where he is entitled or permitted both to place it and to reside in it.

Consequently Gypsies on unauthorised sites are, by law, homeless.

Homelessness Act 2002

18. By July of 2003, all local authorities were required to develop housing strategies that reviewed and predicted levels of homelessness within the authority's area. The strategy is required to ensure there is sufficient accommodation for all homeless people in the area.

Gypsy Sites Refurbishment Grant

19. The Office of the Deputy Prime Minister introduced this Grant in 2001 to provide funding for refurbishment of existing local authority Gypsy and Traveller sites in England. £17 million was made available over three years to local authorities, who were required to bid for funds. The grant provided 75% of the total costs, with local authorities funding the remainder. For 2003/04 the grant was extended to allow local authorities to bid for funds to build temporary sites and emergency stopping places. A further two years funding of £16 million was announced for 2004/5 and 2005/6.

Discrimination and Equal Opportunities Legislation

The Race Relations Act 1976, and Race Relations (Amendment) Act 2000

20. This Act places a duty on public authorities, including local authorities, to eliminate unlawful discrimination and promote equal opportunities and good race relations. The Act requires local authorities to assess the impact of any proposed policies on all ethnic minorities; and to have due regard to the need to eliminate unlawful racial discrimination, to promote equality of opportunity and good relations between persons of different racial groups. Gypsies were recognised as an ethnic minority in 1989, and Irish Travellers in 2000.

The Human Rights Act 1998

21. This Act came into effect in October 2000 when provisions of the European Convention on Human Rights were incorporated into UK law. The Act makes it unlawful for a public authority to act in breach on Convention Rights unless it could not have acted differently under primary legislation. Any interference with a Convention Right must be proportionate to the objective in question and must not be arbitrary, unfair or oppressive.

22. Several Articles of the Act are important in relation to Gypsies and Travellers:

- a) Article 1 states:
 - i. Every natural person or legal person is entitled to the peaceful enjoyment of his possessions.
 - ii. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by the law and by the general principles of international law.
- b) Article 8 states:
 - i. Everyone has the right to respect for his private and family life, his home and his correspondence.
 - ii. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedom of others.

In relation to Article 8 the European Court of Human Rights has held that, “occupation of [a] caravan is an integral part of [...] ethnic identity as a gypsy, reflecting the long tradition of that minority of following a travelling lifestyle. This is the case even though [...] many gypsies increasingly settle for long periods on one place [...]”¹⁰

23. Other Articles are also relevant:

- a) Article 2, the right not be denied access to education (this may be significant if eviction is considered by a local authority)
- b) Article 3, prohibiting inhuman or degrading treatment
- c) Article 11, freedom of peaceful assembly and association
- d) Article 14, prohibition against discrimination in the enjoyment of the other rights and freedoms in the Convention on the grounds of personal circumstance.

Planning Law and Guidance

Town and Country Planning Act 1990 (TCPA 1990) and Planning and Compensation Act 1991

24. Planning legislation is the main tool used to tackle unauthorised development on land owned by Gypsies and Travellers. Under the TCPA 1990, local planning authorities have a number of powers:

- a) Where an apparent breach of planning control has taken place, a planning contravention notice may be served requiring information regarding activities on the land or interests in the land.

¹⁰ WS Planning, *Strategic Assessment of Travellers' Needs in Surrey*, April 2004

- b) An enforcement notice may be served requiring that steps be taken to remedy a specified breach within a given period of time.
- c) Direct action may be taken where steps required by an enforcement notice have not been taken within the compliance period.
- d) A stop notice may be served which immediately stops any activity which contravenes planning control.
- e) A breach of condition notice may be served where a condition or limitation imposed through a planning permission is not complied with. There is no statutory right of appeal against a breach of condition notice.
- f) High Court or County Court injunctions may be served in order to restrain any actual or expected breach of planning control.
- g) Compulsory purchase can take place following authorisation from the Secretary of State.

In addition, local authorities have the option to take civil action for trespass in their capacity as landowners.¹¹

Circular 1/94: Gypsy Sites and Planning

25. This circular offered guidance on the planning aspects of Gypsy sites including: suitable locations; design; development plan policies; consulting with Gypsies and their representatives; and dealing with applications for sites. The intention was “to provide that the planning system recognises the need for accommodation consistent with gypsies’ nomadic lifestyle”.¹²

26. The circular noted that the removal of local authorities’ duty would probably lead to more applications for private Gypsy sites. Local authority structure plans were expected to set out strategic policies and provide a framework for site provision. Local planning authorities were to quantify need for Gypsy accommodation in their districts, and where possible identify locations suitable for development as sites. Where this was not possible, they should set out clear, realistic criteria for suitable locations.

27. The circular contained an important change in location policy which “withdrew the previous guidance indicating that it may be necessary to accept the establishment of gypsy sites in protected areas, including green belts.” The circular emphasised that “as a rule, it will not be appropriate to make provision for gypsy sites in areas of open land where development is severely restricted, for example, Areas of Outstanding Natural Beauty, Sites of Special Scientific Interest and other protected areas. Gypsy sites are not regarded as being among those uses of land which are normally appropriate in green belts”¹³ and that “proposals for gypsy sites should continue to be determined solely in relation to land use

¹¹ WS Planning, *Strategic Assessment of Travellers’ Needs in Surrey*, April 2004

¹² Office of the Deputy Prime Minister: Housing, Planning, Local Government and the Regions, *Gypsy Sites and Planning*, Circular 1/94, p 1

¹³ Office of the Deputy Prime Minister: Housing, Planning, Local Government and the Regions, *Gypsy Sites and Planning*, Circular 1/94, p 1

factors. Whilst gypsy sites might be acceptable in some rural locations, the granting of permission must be consistent with agricultural, [...], countryside, environmental and green belt policies. The aim should always be to secure provision appropriate to gypsies' accommodation needs while protecting amenity."¹⁴

28. On 27 May 1998, the department then responsible, the Department of Environment, Transport and the Regions, wrote to all chief planning officers to remind them of the requirements of circular 1/94 to include realistic policies in local plans. In relation to unauthorised encampments the circular stated:

“If planning permissions are required but not obtained for a gypsy site and the local planning authority is considering possible enforcement action, they should be guided by the policy advice in PPG18. Local planning authorities should regard gypsies in the same manner as small businesses when considering possible enforcement action. The existence or absence of policies for gypsy sites in development plans could constitute a material consideration in matters of enforcement.”¹⁵

Circular 18/94: Gypsy Sites Policy and Unauthorised Camping

29. This circular, issued in November 1994, provided additional guidance for local authorities following the Criminal Justice and Public Order Act 1994, which repealed the duty on local authorities to provide and manage Gypsy and Traveller sites.

30. This circular clarified the definition of a Gypsy, drawing attention to The Court of Appeal's recent definition of Gypsies as persons who wandered or travelled for the purpose for making or seeking their livelihood. It excluded persons to whom this could not be applied.

31. The Department of Environment, Transport and the Regions updated this circular on 26 July 2000. The update drew a distinction between unauthorised camping where there are no problems and no criminal offences, which should be tolerated unless there are vacancies on an authorised local authority site; and unauthorised camping where there is anti-social or criminal behaviour which should not be tolerated in any circumstances. Where there are no available authorised pitches and no nuisance is being caused, local authorities are advised to consider providing basic services including drinking water, a skip and toilets.

32. The circular emphasised that local authorities need to act in a humane and compassionate way taking into account the rights and needs of Gypsies, land owners and the wider community. The responsibilities to Gypsies and Travellers of local authority services, such as housing, social services, education and health and welfare were emphasised. An additional paragraph added that “Local authorities should try to identify

¹⁴ Office of the Deputy Prime Minister: Housing, Planning, Local Government and the Regions, *Gypsy Sites and Planning*, Circular 1/94, p 13

¹⁵ Office of the Deputy Prime Minister: Housing, Planning, Local Government and the Regions, *Gypsy Sites and Planning*, Circular 1/94, p 26

possible emergency stopping places, as close as possible to the transit routes used by gypsies, where gypsy families would be allowed to stay for short periods.”¹⁶

Planning Policy Guidance 1: General Policy and Principles

33. This 1997 guidance advises on the approach to be adopted when determining planning applications:

“Where an adopted or approved development plan contains relevant policies, section 54A requires that an application for planning permission or an appeal shall be determined in accordance with the plan unless material considerations indicate otherwise. Conversely, applications which are not in accordance with relevant policies in the plan should not be allowed unless material considerations justify granting a planning permission. Those deciding such planning applications or appeals should always take into account whether the proposed development would cause demonstrable harm to interests of acknowledged importance. In all cases where the development plan is relevant, it will be necessary to decide whether the proposal is in accordance with the plan and then take into account other material considerations.”¹⁷

The applicant has a responsibility to demonstrate that material considerations outweigh the policies on an up-to-date development plan. In addition, the personal circumstances of an applicant may be material to the determination of an application.

Planning Policy Guidance 3: Housing

34. PPG3 states that local planning authorities should work jointly with housing departments to assess the needs for different types and sizes of housing across all tenures. Assessments should include housing to meet the needs of specific groups, including Travellers and occupiers of mobile homes.¹⁸

Planning Policy Guidance 12: Development Plans

35. This guidance states that:

“As circular 1/94 makes clear, plans should wherever possible identify locations suitable for gypsy sites, whether local authority or private sites. Where this is not possible, they should set out clear, realistic criteria for suitable locations as a basis for site provision policies. They should also identify existing sites which have planning permission, whether occupied or not, and should make a quantitative assessment of the amount of accommodations required.”¹⁹

¹⁶ Office of the Deputy Prime Minister: Housing, Planning, Local Government and the Regions, *Guidance on Managing Unauthorised Camping*, Circular 18/94

¹⁷ Office of the Deputy Prime Minister: Housing, Planning, Local Government and the Regions, *General Policy and Principles*, PPG 1, p 40

¹⁸ Office of the Deputy Prime Minister: Housing, Planning, Local Government and the Regions, *Housing*, PPG 3, p 13

¹⁹ Office of the Deputy Prime Minister: Housing, Planning, Local Government and the Regions, *Development Plans*, PPG 12, p 4.14

Planning Policy Guidance 18: Enforcing Planning Control

36. This guidance, dating to December 1991, is referred to in circular 1/94. The relevant section, on unauthorised development by small businesses or self-employed people, concludes that, “Nevertheless, effective enforcement action is likely to be the only appropriate remedy if the [...] activity is causing irreparable harm”.²⁰

Additional Guidance

37. Further PPGs are relevant to the development of Gypsy and Traveller sites, including PPG2 which advises on development within green belt areas; PPG7 which covers the countryside, environmental quality and economic and social development; and PPG13 on transport which stresses that new development should be within developed urban areas close to existing services and public transport in order to promote sustainability.

Local Authority and Police Powers

Criminal Justice and Public Order Act 1994 (CJPOA)

38. This Act provides the police and local authorities with powers to tackle unauthorised encampments where no trespass is involved. A senior policeman can direct people to leave land if they have 6 vehicles or more. It is an offence to refuse or to return within 3 months. The police can seize vehicles if the order to leave is not adhered to. Case law has determined that any period of notice given to those encamped must have expired before the police can order people to leave.

39. Local authorities have the power to direct unauthorised campers to leave and to remove vehicles. Failure to comply with this order is an offence and the local authority can apply to the local magistrates’ court for an order requiring the removal of vehicles and occupants from the land.

Anti-Social Behaviour Act 2003

40. On 26 July 2002, the Office of the Deputy Prime Minister and the Home Office issued a joint press release outlining the Government’s new approach to tackling unauthorised camping, introducing stronger police powers to move unauthorised encampments provided there was adequate site provision. The powers were provided under the Anti-Social Behaviour Act. This Act provided the police with additional powers when a suitable pitch is available on a relevant site. A relevant site is defined as one within the same local authority area, although in a two tier authority, the availability of a pitch would be on a county-wide basis. There is no definition of ‘suitable pitch’. The powers of the Act may be used when:

- a) At least two people are trespassing;
- b) There is at least 1 vehicle;

²⁰ Office of the Deputy Prime Minister: Housing, Planning, Local Government and the Regions, *Enforcing Planning Control*, PPG 18, p 17

- c) It appears that there are 1 or more caravans or;
- d) The trespassers are on the land for the purpose of residing there for any period of time.

In such circumstances, a police officer may direct trespassers to move off the land. However, the police and local authority are bound by the Human Rights Act and the local authority should first undertake a welfare check at the encampment. Efforts should be made to keep members of the encampment together; where this is not possible, dependant members of the encampment should not be separated.

Guidance on Managing Unauthorised Camping

41. In February 2004 the Office of the Deputy Prime Minister and the Home Office published guidance on managing unauthorised camping. It identifies a number of principles to be followed in managing unauthorised camping:

“Although unauthorised camping is unlawful, it is likely to continue while there are insufficient spaces to accommodate Gypsies and travellers on authorised sites. While more places are being provided, it is vital that local authorities, with their police and other partners, pro-actively manage encampments to minimise the disruption caused. The principles involved are:

- To enforce the same standards of behaviour by unauthorised campers as are expected of the settled community.
- To respond rapidly to any deterioration of behaviour and growing disruption from an encampment.
- To facilitate access to services for Gypsy and Travellers on encampments.
- To keep all parties informed of decisions and actions.”²¹

The guidance also recommends development of a co-ordinated strategy by all involved authorities:

“It is primarily aimed at local authorities and police who share responsibility for managing unauthorised camping, but will also be relevant to all bodies likely to be involved in partnership approaches. While the guidance is advisory, local authorities and police are strongly advised to bear it in mind when devising and implementing their approaches, and are reminded that the courts may consider it as a material consideration in eviction or other enforcement decisions.”

Research and Reports

42. A number of reports have been produced in recent years which have made suggestions as to how Gypsy and Traveller accommodation policies could be improved. In 2004 the Institute for Public Policy and Research produced “Moving Forward – the provision of accommodation for travellers and gypsies”. This report recommended that:

²¹ Office of the Deputy Prime Minister: Housing, Planning, Local Government and the Regions, *Guidance on Managing Unauthorised Camping*, p 7.1

- a) Local authorities include Gypsies and Irish Travellers in the Equalities Standard as a matter of urgency.
- b) Local authorities should develop overreaching strategies for the travelling community in all areas, including housing, social care and welfare, education, health and public information.
- c) Local authorities should be required to make provision for sites within their Local Development Frameworks (LDFs).
- d) Local authorities should produce and/or review their Homelessness Strategies to ensure compliance with the Race Relations (Amendment) Act 2000.²²

43. In 2003, the ODPM commissioned the Centre for Urban and Regional Studies at the University of Birmingham to carry out a desk-top study of the bi-annual Gypsy count. Also in 2002 the Centre conducted further research for ODPM into “The Provision and Condition of Local Authority Gypsy/Traveller sites in England”.

44. In 2003 this Committee conducted pre-legislative scrutiny of the draft Housing Bill. In our report we recommended that within two years the Government should re-introduce a statutory duty on local authorities to make or facilitate provision of sites for Gypsies and Travellers.²³ In their response the Government stated, “it is actively considering the most effective mechanism for the provision of such sites to ensure that the accommodation needs of travellers are met”.²⁴

45. In May 2003 the Welsh Assembly Equality of Opportunity Committee published their “Review of Service provision for Gypsies and Travellers”. They recommended that “there should be a duty to provide, or facilitate the provision of accommodation for Gypsies and travellers and that this should be supported by additional funding”.²⁵

46. In March 2004 the Barker Review of Housing Supply, “Delivering Stability: Securing our Future Housing Needs” was published. The objectives of the Review were:

- To achieve improvements in housing affordability in the market sector;
- A more stable housing market;
- Location of housing supply which supports patterns of economic development; and
- An adequate supply of publicly-funded housing for those who need it.

The last bullet point may, through housing strategies and needs surveys, result in a requirement to provide additional local authority sites for the travelling community.

²² GTS B/P03 [WS Planning]

²³ Tenth Report from the Office of the Deputy Prime Minister: Housing, Planning, Local Government and the Regions Committee, *Draft Housing Bill*, HC 751-I, Session 2002-03, paragraph 200

²⁴ Office of the Deputy Prime Minister: Housing, Planning, Local Government and the Regions, *Government Response to the Tenth Report from the Office of the Deputy Prime Minister: Housing, Planning, Local Government and the Regions Committee, Draft Housing Bill*, Cm 6000, 10th November 2003

²⁵ Assembly for Wales Equality of Opportunity Committee, *Review of Service Provision for Gypsies and Travellers*, May 2003, Recommendation 9

47. The Office of the Deputy Prime Minister is currently conducting a review of Gypsy and traveller accommodation. The review was due to report to Ministers in the summer of 2004. As part of this review, some Gypsies and Travellers have participated in seminars with officials from the Office of the Deputy Prime Minister.

Policy Development

48. Circular 1/94 is being revised, it is anticipated that a new draft will be published for consultation in autumn of 2004. Planning Policy Statements are also currently being produced to replace Planning Policy Guidance. A number of Planning Policy Statements will be relevant to provision of accommodation for Gypsies and Travellers:

- Draft PPS1 outlines principles of sustainability, relevant to location of sites.
- Draft PPS2 will relate to green belt areas.
- Draft PPS3 on housing is expected to refer to Gypsy and Irish Traveller requirements in the light of the Race Relations (Amendment) Act 2000.
- Draft PPS11 on regional planning outlines how Regional Spatial Strategies will introduce documents with both a regional and sub-regional agenda as part of development plans. There is a requirement to look at issues of race quality.
- Draft PPS12 on Local Development Frameworks explains how local development frameworks should “act as the land use and development delivery mechanism for the objectives and policies set out in the community strategy”²⁶, providing joined up policies to meet community needs. Local Development Frameworks will require community involvement in their production, including that of Gypsies and Irish Travellers as ethnic minorities.

In addition Regional Housing Strategies have to be produced by 2007; work should start on these at the end of 2005.

Planning Appeals

49. The legislative position is frequently complicated by decisions made in relation to specific planning and eviction appeals, where the decisions often appear to be contradictory. A study by WS Planning highlighted that the majority of appeals identified were centred around the following issues:

- Gypsy status;
- Previous discussions with local planning authority;
- Previous planning history of site;
- Quantitative assessment of the need for additional Traveller sites;
- Assessment of alternative site availability;

²⁶ Office of the Deputy Prime Minister: Housing, Planning, Local Government and the Regions, *Local Development Frameworks*, draft PPS 12, Annex B

- Availability of vacancies on nearby sites;
- Local plan Gypsy policy and site selection criteria;
- Appropriateness of development (for example, green belt or countryside beyond);
- Conflict with national or local policies;
- Demonstrable harm to interests of acknowledged importance;
- Nationally or locally protected landscapes;
- Character of site as against surrounding area;
- Harm to visual appearance and character if the countryside (impact): possible mitigation;
- Impact on built and natural conservation features in locality;
- Impact on local residents;
- Personal needs of the appellant for a site;
- Local connections and personal circumstances – relationships, family, health, work connections;
- Educational needs of children;
- Financial status of individual and cost of land;
- Highway safety and access criteria;
- Sustainability; and
- Human Rights Act Article 8, 1 Protocol 1 and Article 14.²⁷

50. WS Planning assessed recent appeals and found that decisions made by inspectors appeared to be inconsistent. For example, a planning inspector considering a site in Bristol in November 2003 rejected the Gypsy appellant's case on the basis that the site was not sustainable, and therefore not in accordance with PPG13. The inspector concluded that:

“[...] anyone living at the appeal site would be highly dependent on the private car to gain access to all sorts of services and facilities. I am in no doubt therefore that the appeal site is not a sustainable location for residential development. [...] In terms of quantifying sustainability, recent national planning policy does not distinguish between gypsy occupation and non-gypsy occupation of potential residential sites.”²⁸

In contrast, an inspector considering an appeal at the Pennypot Lane Showmen site did not think global principles of sustainability helpful. He considered travelling showpeople to be a small proportion of the community, and their land requirements modest, although

²⁷ GTS B/P03 [WS Planning]

²⁸ APP/F0114/01/1061067

unusual. Such inconsistencies make it difficult for Gypsies and Travellers and planning inspectors to assess the likelihood of success at appeal and may encourage speculative appeals, supported by specialist law firms.

3 Definitions

51. The definition of a Gypsy or Traveller is far from clear-cut. The legal definition of a Gypsy was first set out in the 1968 Caravan Sites Act. This definition, drawn from the case of *Mills v Cooper* (1967), stated that the term “Gypsy” meant “persons of nomadic habit of life, whatever their race or origin, but does not include members of an organised group of travelling showpeople or persons engaged in travelling circuses travelling together as such”.²⁹ This definition was adopted for planning purposes in 1977 under circular 28/77 which said that Gypsy status was a “material consideration” in planning cases.³⁰ Circular 1/94 also used this definition, which was seen as a way of defining Gypsies without reference to their ethnicity, but focussing on their way of life.

52. However in the case of *R v South Hams District Council, ex parte Gibbs* at the Court of Appeal in May 1994, Lord Justice Neil found the 1968 Act definition unsatisfactory, and defined Gypsies as; “Persons who wander or travel for the purpose of making or seeking their livelihood (not persons who move from place to place without any connection between their movements and their means of livelihood)”.³¹ It is this definition which is currently used by Government. It focuses on habitual lifestyle rather than ethnicity and includes both “born” Gypsies and Travellers and “elective” Travellers such as New (Age) Travellers.³² Lord Neil’s judgement that nomadism within the Gypsy and Traveller community had an economic purpose. Gypsies and Travellers moved between settled communities providing a service, traditionally for example repairing crockery or cooking vessels, and more recently tree-cutting or paving.

53. The ability of Gypsies and Travellers to maintain a mobile lifestyle, key to their definition in law, has become increasingly difficult. The previous chapter explained how planning legislation has reduced the number of places where Gypsies and Travellers can legally stop. It is estimated that 90% of traditional stopping places have been blocked off in the last twenty years.³³ Work patterns have also changed. Many Gypsies and Travellers undertake work which does not require them to adopt a nomadic lifestyle.

54. Access to services and education have also affected Gypsy and Traveller patterns of travelling as Hughie Smith, President of the Gypsy Council (Romani Kris) told us:

“It has to be said that the pattern of life for Gypsies is totally changing. Nowadays people want a base from which they can go to work and from which they can travel. [...]. When we talk about “nomadic” - if we were forever travelling we would not be able to get a living. It is very important, from a community that used to have an 80 per cent illiteracy rate, simply because of the caravan sites which were built by local authorities and private initiatives it has allowed our children to have a better education through the state school system. As far as I am concerned, and every day I

²⁹ Caravan Sites Act 1968, Section 16

³⁰ Ev 1 [ODPM]

³¹ Ev 1 [ODPM]

³² Ev 1 [ODPM]

³³ Assembly for Wales Equality of Opportunity Committee, *Review of Service Provision for Gypsies and Travellers*, May 2003, p 4.6

see this happening where our children go through the gate to school and come back and teatime, that is what we need. We need an education for our children. The only way we can do that is if we can stay in one area. The pattern of life for the Gypsy people is changing. That does not mean to say we give up our nomadic lifestyle, because at certain times of the year we would travel anyway.”³⁴

55. On our visit to sites in Hampshire, we spoke to residents on local authority permanent residential sites. Most viewed their site as a permanent home and had no intention of travelling again. Some said they would travel for a number of weeks during the summer, but would retain their place on the site and return to it for the rest of the year. Most Gypsy and Traveller sites have little turnover of residents. On 86% of sites Gypsies and Travellers have lived on site for three years or more:³⁵

“While there are exceptions, the general picture built up of residential Gypsy/Traveller sites is that they are stable, with long-term residents who travel little during the course of a year. It may be that, for many residents, the attractions of a site lie in the possibilities of living within a culturally distinct community among friends and family. This is not necessarily the same as meeting the needs of a nomadic or semi-nomadic population. For many residential site residents, nomadism appears to be a spiritual and cultural state of mind rather than a day-to-day reality.”³⁶

Gypsies and Travellers argue that their concept of travelling is different to that understood by members of the settled community. A quote from a Traveller in Dr Colm Power’s report on England’s Irish Travellers demonstrates this:

“When Travellers speak of Travelling, we mean something different from what country people [sedentary people] usually understand by it [...]. For Travellers, the physical fact of moving is just one aspect of a nomadic mind-set that permeates every aspect of our lives. Nomadism entails a way of looking at the world, a different way of perceiving things, a different attitude to accommodation, to work, to life in general.”³⁷

But under the definitions currently used by the Government it has been suggested that by remaining static for such long periods, these people cease to be Gypsies and Travellers.

56. Dr Robert Home, a chartered town planner, highlights this issue arguing that ethnic Gypsies could lose their legal status if they cease to travel; and that individuals who have adopted a nomadic way of life but have no ethnic connection might be legally defined as Gypsies.³⁸ He explains:

“Official insistence on ‘nomadism’ as a prerequisite for ‘gypsy’ status has blurred the understanding of ‘Gypsies’ as an ethnic group, creating a hierarchy of ‘deserving’ and

³⁴ Q 128 and 130 [Hughie Smith, President, the Gypsy Council (Romani Kris)]

³⁵ Centre for Urban and Regional Studies at the University of Birmingham,, *The Provision and Condition of Local Authority Gypsy/Traveller Sites in England, 2002* , pg 28

³⁶ Centre for Urban and Regional Studies at the University of Birmingham,, *The Provision and Condition of Local Authority Gypsy/Traveller Sites in England, 2002* , pg 29

³⁷ Dr Colm Power, *Room to Roam, England’s Irish Travellers*, June 2004, p2.2

³⁸ Ev 86 [Dr Robert Home]

‘undeserving’ nomads, Romany Gypsies being perceived as a ‘respectable’ minority.”³⁹

The issue of nomadism has been considered in a number of court cases, Dr Home believes that “judicial interpretation has imposed increasing restrictions upon the definition making it more difficult to get planning permission [...]”⁴⁰ In *Greenwich v Powell* (1988), the House of Lords ruled that a person of only seasonal nomadic habit and settled for part of the year remains within the definition of a Gypsy. In *Basildon District Council v Secretary of State and Others* (2004), it was decided that although Gypsy status may be retained if a Gypsy ceased a nomadic lifestyle for reasons of ill health, it would not necessarily be the case that Gypsy Status would be retained.⁴¹ This finding has caused concern among the Gypsy and Traveller community:

“We have bad case law that defines Gypsy people as those that have to move from place to place to work. We all know where this leaves the disabled and the ill. Too old or ill to be a Gypsy so therefore you cannot be classed as a Gypsy therefore no site.”⁴²

- The case of *R v South Hams ex parte Gibbs* (1993) also added the qualification of an employment test, redefining Gypsies as; “persons who wander or travel for the purpose of making or seeking their livelihood (not persons who move from place to place without any connection between their movements and their means of livelihood).”⁴³ Intention to settle permanently has become a key issue in case law with several cases considering whether a nomadic way of life was in abeyance or whether there was intention to resume it.

57. The Commission for Racial Equality suggest that the intention behind the reference to nomadism in the current definition was an attempt “to define and protect this way of life”.⁴⁴ However, Sarah Spencer, Deputy Chair of the Commission for Racial Equality argues that it no longer does and should be updated to:

“[...] reflect the fact that there are many people for whom a nomadic way of life, in a sense, is a state of mind and is part of their cultural background but who no longer either want or perhaps are not able to travel, who want to live in a mobile home or a caravan but want to stay in one place [...]”

In addition she would like the definition to be broadened to enable people to be nomadic but also enable them to live in a mobile home or a caravan and stay in one place:

“What we would like to suggest is that the law should refer to “Gypsies and Travellers” and define Travellers as “persons that are members of ethnic groups for whom living in caravans is an integral part of their traditional way of life, such as Irish Travellers, and persons of nomadic habit of life whatever their race or origin.”

³⁹ Ev 86 [Dr Robert Home]

⁴⁰ Ev 90 [Dr Robert Home]

⁴¹ GTS B/P03 [WS Planning], p10.56

⁴² HC 93-III, Ev 96 [Derbyshire Gypsy Liaison Group]

⁴³ Centre for Urban and Regional Studies at the University of Birmingham, *The Provision and Condition of Local Authority Gypsy/Traveller Sites in England*, 2002 , pg 7

⁴⁴ Q 144 [Sarah Spencer, Deputy Chair, Commission for Racial Equality]

The effect of that would be to encompass those whom the courts have defined as Gypsies and Travellers under the Race Relations Act but would also encompass those who are of a nomadic way of life but whom the courts have not yet defined as having the protection of the Act, for instance, Scottish Travellers, for whom we are at the moment considering taking a case to clarify that they have that ethnic status but do not yet have it.”⁴⁵

58. The Centre for Urban and Regional Studies at the University of Birmingham, emphasise the need for a national debate on the definition of a Gypsy in their report on “The Provision and Condition of Local Authority Gypsy/Traveller Sites in England”:

“While we are all aware of considerable resistance from traditional Gypsy/Traveller groups to the inclusion of new Travellers within a revised definition, we believe that national policy must explicitly recognise their existence alongside the traditional groups. This does not mean that different cultural needs should be ignored or that all ‘Travellers’ should always be lumped together indiscriminately.”⁴⁶

In oral evidence to the Committee Pat Niner adds that the purpose of a definition is important – she emphasises the need to consider the consequences or policies that will result from a particular definition. She agrees with Sarah Spencer that there is a need to consider those who conduct a nomadic lifestyle, as well as those who are not active Travellers, but “who are still Travellers in the mind” who “still need accommodation which is culturally acceptable to them in that sense”.⁴⁷

59. Officials from ODPM highlighted Pat Niner’s comments when giving evidence, they suggest that:

“There is a difference between having a definition that leads specifically to a site’s outcome so far as the planning legislation is concerned and the sort of definition that you might want for a housing needs survey to accommodate the wider needs of Gypsies and Travellers. The planning definition would necessarily be related to the land use, whereas a housing needs assessment might be related to the wider needs of Gypsies and Travellers, considering those who are already living in bricks and mortar, for example.”⁴⁸

As part of the review of Circular 1/94, ODPM are considering the issue of definitions John Stambollouian, Head of Planning Directorate Division told us:

“We do recognise the greater propensity for Gypsies to want to stay in one place in order to access services and maybe travelling for part of the year and the fact that there are fewer seasonable opportunities for work. We realise that the definition does

⁴⁵ Q 145 [Sarah Spencer, Deputy Chair, Commission for Racial Equality]

⁴⁶ Centre for Urban and Regional Studies at the University of Birmingham, *The Provision and Condition of Local Authority Gypsy/Traveller Sites in England*, 2002 , pg 48

⁴⁷ Q 165 [Pat Niner, Senior Lecturer in the Centre for Urban and Regional Studies at the University of Birmingham and have Gypsy and Traveller researcher]

⁴⁸ Q 337 [Dawn Eastmead, Head of Housing Management Division, Office of the Deputy Prime Minister]

need revisiting and we are proposing to do that. In terms of planning what we would want to secure is that link to land use.”⁴⁹

60. ODPM Officials recognised that multiple definitions applied for different purposes could lead to a situation where some people were Gypsies/Travellers under one definition but not another. They were not confident that the definition proposed by the Commission for Racial Equality would be workable:

“[...] we are considering the definition but obviously, as has already been stated, for planning purposes there needs to be a very clear link to land use because Gypsies and Travellers are having their needs met outside of the ordinary system of gaining planning consent. [...] “The CRE definition also includes anybody who might want to travel so it is a very, very wide definition. If you were to link that definition to the provision of a duty it would substantially increase the financial exposure or the duty upon local authorities to provide. The CRE definition would also allow for Gypsies and Travellers who may have been settled for generations in bricks and mortar to seek to have their needs met.”⁵⁰

61. Many believe a review of the definition of a Gypsy/Traveller is long overdue. Dr Home believes that current policies and legislation are not just outdated but contradictory, he argues:

“It creates a real ‘Catch 22’ situation. Pitches on council sites are reducing in number, yet it is very difficult to get permissions for private sites because of opposition from local planning authorities. Government policy recognises that Gypsies need somewhere to live, but in practice, if they intend long-stay ‘settled’ accommodation on land which they own, they risk forfeiting their ‘gypsy’ status and (presumably) being forced back on the road, to a way of life which is increasingly difficult to lead and criminalised. As the case law grows, usually to the disbenefit of the Gypsies, they find their way of life entrapped in a bureaucratic and legalistic net worthy of Kafka. Local authorities are increasingly willing to contest Gypsy status at planning appeals and subsequently by legal challenge, while judges impose further tests upon the statutory definition.”⁵¹

Phillip Plato, a Chartered Planning Surveyor is similarly dissatisfied with the current situation. He believes the system is open to abuse from people who have no right to be classed as a Gypsy or Traveller:

“Many planning applications or appeals I have researched or been involved with, seem to involve people claiming Traveller status with the same name or remarkably similar claims of hardship involving their personal health circumstances, yet in totally different areas. I have also had experience of a claimant using an adopted name at an appeal inquiry. I make comment on this out of concern that the needs of those with genuine Gypsy background may be prejudiced by others of more questionable status. I have noted that there is rarely any desire to press applicants for

⁴⁹ Q 337 [John Stambollouian, Head of Planning Directorate Division, Office of the Deputy Prime Minister]

⁵⁰ Q 339-340 [Dawn Eastmead, Head of Housing Management Division, Office of the Deputy Prime Minister]

⁵¹ Ev 91 [Dr Robert Home]

corroboration of their Travelling status or association with the locality by means of testimony or verification for fear of being accused of discrimination. This is unhelpful in assessing needs for Gypsy provision and provides opportunities for abuse of the system.”⁵²

62. However, Charles Smith, Chair of the Gypsy Council for Education, Culture, Welfare and Civil Rights believes that arguing over definitions is a distraction. He believes that everybody should have the option to live in a form of accommodation which is acceptable to them, and that anybody who wishes to live in a caravan should be able to:

“The Gypsy and Traveller people cannot buy their freedom or rights by denying others their freedom. It is therefore important that others who wish to live in caravans, whether they are Gypsy families or not should be able to do so. Caravan sites are cheaper to build than houses, they are less damaging to the environment and they respond better to the fast movement of today. It is becoming usual to move job and house every 3 to 5 years. The population is becoming more mobile and the use of land is becoming of concern. Increased risk of flooding is exacerbated by building of roads and houses, the concrete and impermeable surfaces prevent rain from soaking into the ground; more goes down drains and into the rivers. We do not want ghettos and reservations; we want to be able to live in harmony with other people. Our old people do not want to have to move into a house when they are ailing; they need their family even more so at this time of their lives. Where there is housing there should be the possibility of a caravan site. If it is for ANYONE then it will encourage good relations and improve standards for everyone. [...] The Gypsy Council believes that the right to a reasonable choice of any type of accommodation, and the right to stable and secure family residence within cultural tradition are human rights that all people, regardless of ethnicity, should enjoy.”⁵³

63. Many Gypsies and Travellers now live increasingly sedentary lifestyles. The current definitions imply that those within the community who do not adopt a nomadic lifestyle are not actually Gypsies and Travellers. Any new definition should comprise both the alternatives of ethnic origin or similar, and nomadic lifestyle. However, we advise the Government to exercise caution in considering applying different definitions for different policies. There is already a lot of confusion surrounding definitions of Gypsies and Travellers and we would not want to see a situation where multiple definitions add to the confusion. In addition we are concerned that the issue of defining Gypsies and Travellers may be over-emphasised. The Equality of Opportunity Committee at the National Assembly for Wales recently argued that Gypsies and Travellers should have the right to self-identify. We agree with this approach, but believe that self-identification must be supported by evidence. This may enable all parties to move forward and address the problems associated with accommodation provision.

⁵² HC 93-III, Ev 86 [Phillip Plato]

⁵³ HC 93-III, Ev 91-92 [The Gypsy Council for Education, Welfare, Culture and Civil Rights]

4 The Gypsy Caravan Count

64. The only information on the numbers and distribution of Gypsy and Traveller caravans and families is through the twice yearly counts made by local authorities on the numbers of Gypsy caravans within their area. The count is based upon two voluntary returns, the details of which are explained in chapter two. The returns for January 2004 showed that there were a total of 14 309 caravans, of which 5848 (41%) were on authorised local authority sites, and 4890 (34%) were on authorised private sites. The remaining 3571 (25%) were on unauthorised sites. The July 2004 figures had not been published at the time of writing although an increase in the summer months is normal because of seasonal travel. Numbers of caravans have increased significantly since January 1979 when the total was 8,358⁵⁴, although this figure may not be accurate due to under recording.

65. The information collected is supposed to aid the planning system and contribute to assessments of need for site provision. However the usefulness of the count has been subject to some discussion, particularly because the accuracy of the count is of some doubt. WS Planning conducted research in local authorities in Surrey. They found that whilst all local authorities were happy with the reliability of their own counts, they were concerned at the reliability of data returned by other authorities. Evidence from George Summers, Gypsy and Traveller Service Manager for Hampshire County Council and Secretary of the National Association of Gypsy and Traveller Liaison Officers, support this research:

“Can I say that in Hampshire we do the counts for all our local authorities and we normally do it with a member of the local districts or the unitary authorities. We actually go round and physically do the count ourselves. That way we can verify that the counts are accurate. This is unlike the procedure undertaken in many authorities where it is left to districts or local boroughs and, quite honestly, very often the counts can be very dubious.”⁵⁵

66. WS Planning’s research suggests that while data for an individual authority may be accurate, it cannot necessarily be compared with information from other authorities because the data may have been collected differently. Collection methods differed according to: whether sites were visited or data provided from best knowledge on the survey data and what land was included. Some suggested county council land was omitted. WS Planning conclude that although the Gypsy Count data is only an indicator of numbers and distribution, it remains the most useful information source available.⁵⁶

67. Other submissions demonstrated a similar view:

The National Association of Gypsy and Traveller Officers: “The Count statistics are generally accepted by practitioners in the field of Gypsy and Traveller movements to be of doubtful origin and their accuracy is often questioned. New Count guidance is to be issued, but there remains a requirement to make statistics compulsory, also for

⁵⁴ Centre for Urban and Regional Studies at the University of Birmingham, *The Provision and Condition of Local Authority Gypsy/Traveller Sites in England*, 2002, pg 9

⁵⁵ Q 221

⁵⁶ GTS B/P03 [WS Planning], pg 38

the Count to be undertaken on a county-wide basis and with improved accuracy, and to be verified by Gypsy and Traveller officers.”⁵⁷

Dr Kenrick: “We found when local gypsy organisations have done counts they have always found about 50 per cent more than the council have. I found that in East Lincoln. The gypsies were able to find six caravans which the council had never known about. The first thing is to get better counting and count everybody and get the help of gypsy organisations where they exist. Then, in the count itself, I do not know who keys them in but there are mistakes always. I have brought along a couple of examples. Suddenly a council site disappears or a private site disappears and the same figure turns up in the left-hand column as an authorised site. Obviously the keying in is not done by anybody who knows what they are doing and they are not checked properly. I have always assumed that the errors would cancel themselves out, so that an error in one column would be cancelled out by an error in another column. I did bring one example which I picked up last night - in Cambridge, where, private sites have just disappeared, but if you look in the other column that number turns up there. Somebody in the ODPM office needs to look at all the noughts and wonder whether they are correct or not. So we have two problems: undercounting and then the keying-in is not done correctly.”⁵⁸

Dr Home: “That is a simple matter of data verification. Also you would have to recognise that within individual local authorities there may be a political pressure to undercount, especially if the numbers are relatively low. Then that district can say, “We don’t have any need. We don’t need to provide anything at all.” In every appeal I do I try to supplement the very local statistics with the county and regional and national statistics, so that the inspector can see the broader picture, and most local authorities, understandably from their point of view, try to argue against that approach.”⁵⁹

The Commission for Racial Equality would like the count to collect ethnic data:

“[...] as a means of enabling and encouraging councils to better comply with their race equality duty, provide better services for Gypsies and Travellers, and to remove any excuse for inaction. The race equality duty depends to some extent on the collection of accurate ethnic data – authorities should be continuously monitoring the impact of their policies on different racial groups, seeking to identify any disproportionalities and taking steps to tackle such inequalities if they cannot be justified within wider policy goals. To date CRE is concerned that few councils include Gypsies and Travellers in their ethnic data collection, and therefore do not address the inequalities experienced by Gypsies and Travellers across the range of public services. The collection of such sensitive data would need to be accompanied by targeted confidence-building exercises amongst Gypsy and Traveller communities. It would be important that councils employ Gypsies, Travellers, and other bodies such as Traveller Education Services who are already known and trusted

⁵⁷ HC 63-III, Ev 83 [National Association of Gypsy and Traveller Officers]

⁵⁸ Q 25

⁵⁹ Q 25

by Gypsy and Traveller communities to carry out the caravan count in order to increase confidence in the system.”⁶⁰

68. Gypsy Count returns are frequently quoted in planning appeals and inquiries. Phillip Plato, a Chartered Planning Surveyor is concerned at this use:

“These figures only report numbers of caravans on authorised and unauthorised sites, and often include numbers of those on the “waiting list” for a pitch within an authorised site. I have observed these statistics being as representing “evidence” of the shortage of Gypsy sites. I do not agree with this attempt to draw conclusions about “need” for the following reasons:

First, there is no method of establishing what types of sites (either transit or permanent) are needed from the figures that the ODPM collects from Local Planning Authorities.

Second, there is now way of determining where such sites should be located. Local Planning Authorities often represent very large geographical areas and the raw data takes no account of travelling patterns.

Third, the absence of other data relating to personal circumstances also hinders meaningful decisions about the location of Gypsy sites. Many Traveller groups claim that their children have special educational needs. It is inappropriate for site provision and location to be determined without reference to such data as, for example, one first needs to establish if the local schools in an area for a proposed site have capacity or the facilities to address the special needs of Traveller children without prejudicing the schooling of the other children already at that school.”⁶¹

69. The National Association of Gypsy and Traveller Officers believes the count could be improved by introducing measures to ensure the accuracy of information recorded, re-considering the statistics collected, and most importantly making participation in the count mandatory:

- Local authorities should be required to work with neighbouring authorities to clarify information. This would help ensure that authorities not wishing to provide, or be seen to have a need for accommodation, submit accurate numbers. This would also increase the ability to compare data in order to avoid double counting;
- The Government should introduce a verification process to ensure that statistics have credibility within both the travelling, planning and local government communities; and
- The statistics collected should be reviewed. It is often recorded that families have no accommodation, whereas in fact they have permanent accommodation, but choose to travel for economic or holiday purposes during the summer period. Counts also fail to register the small number of families who travel continuously and have no permanent residential accommodation.

⁶⁰ Ev 71-72 [The Commission for Racial Equality]

⁶¹ HC 63-III, Ev 86 [Phillip Plato]

70. WS Planning suggest that the returns would be of more use to local authorities if they differentiated between unauthorised development where Gypsies/Travellers own the land but do not have planning permission, and those that are temporary incursions. They argue:

“The two groups need to be separated, as a realistic assessment of the demand or need for sites/pitches cannot be determined without knowledge of the numbers that may be seeking a more established base, rather than a temporary site.”⁶²

71. The Centre of Urban Studies at the University of Birmingham was commissioned by the Office of the Deputy Prime Minister to review the count system in 2003. The review presented a series of options for the future development of the count system, including an examination of the information currently collected, and other types of information which might be added. Three key recommendations were made:

“-Before amending the count system, ODPM should be very clear about the purposes to which the information is to be put. Purpose should guide design of a revised system.

- A distinction should be made and clearly applied between information which can be routinely collected through a regular voluntary return made by local authorities, and that which is best collected through regular ad hoc surveys. In mainstream housing such a distinction is drawn between; for example, house building figures or homelessness applications (regular returns) and household characteristics or housing needs (surveys).

- Whether or not changes are made in future, the count needs a re-launch to stress its important, its links to policy and the uses that will be made of the information. In some ways it may be easier to do this if significant changes are proposed. In addition, all the information collected should be published.”⁶³

The Commission for Racial Equality argue that for a revised count to improve in accuracy and usefulness, it will be vital for Gypsies and Travellers to be more involved in the process:

“I think you are absolutely right to identify the fact that a lack of confidence in the communities would be a barrier to collecting the data. The communities would need to know what the purpose of collecting the data was and feel confident that it was being collected in order to help alleviate their situation. The way to do that would be, first of all, to consult with them and explain the purpose of it and to talk to them about how it might be done and, secondly to involve Gypsies and Travellers and those who work with them in whom Gypsies and Travellers have confidence (like the Traveller Education Service) in the exercise of collecting the data. You are right that if there were a sudden decision to collect data and no preparation made, then people would be wary and it would be difficult to collect it.”⁶⁴

In their submission the ODPM highlight steps they are taking to improve the count:

⁶² GTS B/P03 [WS Planning], pg 39

⁶³ Centre for Urban and Regional Studies at the University of Birmingham, *Counting Gypsies and Travellers: A review of the Gypsy Caravan count system* 2003

⁶⁴ Q 147 [Sarah Spencer, Deputy Chair, Commission for Racial Equality]

“The Count is currently being revised to increase its accuracy and usefulness, with the new version having being piloted in May 2004.”⁶⁵

72. We welcome ODPM’s sponsorship of research to identify ways in which the accuracy and usefulness of the bi-annual count of Gypsy caravans and families can be improved. We also welcome ODPM’s progress on implementing improvements to the count, which were piloted in May 2004, and implemented in June 2004. The count is one of the only ways that demand can be quantified; completion should therefore be made compulsory. It is important that all local authorities recognise the importance of accurately completing the count. The Government must recognise that there may be political reasons for authorities to complete the count inaccurately; and must ensure improvements to the count to guard against this. A verification process should be included to ensure that all interested parties are satisfied with the credibility of the statistics.

⁶⁵ Ev 2 [ODPM]

5 Demand for sites

73. There has been no official assessment of accommodation need for Gypsy/Traveller since the first Gypsy census in the mid 1960s. Assessment of accommodation should consider population growth and new household formation – which may be faster than in the settled community because Gypsies and Travellers tend to marry young, and have more children than the settled community. The extended family is of great importance to the community and many Gypsies and Travellers want to live within an extended family context.⁶⁶ Gypsy and Traveller preferences and current shortfalls in accommodation must also be considered. The main difficulty is the lack of information beyond the bi-annual Gypsy caravan count which, as discussed in chapter four, is widely viewed as inaccurate. There are no figures, for example, on the numbers of Gypsies and Travellers who travel between the Republic of Ireland and Great Britain. Some assessment of the numbers is needed because of the impact on accommodation provision. The Republic of Ireland conducted a census of the traveller community. The level of provision made by each County is dependent on the figures recorded in the census. Officials we met in South Dublin County emphasised the influence of the census results on policy formation.

74. The Centre for Urban and Regional Studies at the University of Birmingham used the January 2002 count returns of Gypsy families to estimate the number of pitches that were required over the next five years.⁶⁷ They estimate that between 1,000 and 2,000 additional pitches are required on residential sites by 2005 (although they make no distinction between public and private site provision). The upper estimate assumes the need for additional pitches of up to a third of existing site provision; or 130 new sites with an average of 15 pitches each, based on no expansion of existing sites. The lower estimate could be met by expansion of all existing sites by two or three pitches. However the reality is that ODPM sponsored site refurbishments often lead to a reduction rather than expansion in the number of pitches on a site. Also, as we explore in Chapter eleven, some witnesses have suggested there should be upper limits on the number of pitches on a site. Both estimates require sites and pitches currently being underused to be brought back into use as Table One demonstrates:

⁶⁶ Centre for Urban and Regional Studies at the University of Birmingham, *The Provision and Condition of Local Authority Gypsy/Traveller Sites in England*, pg 9

⁶⁷ The January 2002 base is 8,455 total families, 4,041 on local authority sites; 2,671 on authorised private sites; and 1,743 on unauthorised sites.

Table One: An Estimate of Need for Residential Site Pitches: 2002-2007

Element in estimate	Estimated number of pitches
Current residential supply (1)	6,200
Current shortfall: over-crowding (2)	65
Current shortfall: suppressed movement from housing (3)	130-640
Current shortfall: unauthorised camping (4)	520-870
Current shortfall: total	715-1,575
Family formation 2002-2007 (5)	600-900
Total requirement to 2007	1,315-2,475
Contribution from current unused sites/pitches (6)	420
Requirements for additional pitches	895-2,055
Notes:	
(1) Current residential supply is estimated at 94% of families on local authority sites to reflect the division between residential and transit pitches + an arbitrarily assumed 90% of families on private sites.	
(2) On the basis of the management survey, we assume that 10% of local authority sites have an average pitch occupancy of more than 4.5 persons, and each of these require 2 additional pitches.	
(3) Interviews have suggested that many Gypsy/Travellers in housing would prefer to live on a residential site. Families in housing are calculated by applying average household size from the management survey of 3.2 persons to the assumed population in houses of 41,000 people (see Chapter 1). The range represents 1% and 5% of these households assumed to want a residential pitch.	
(4) The range assumes that 30% or 50% of families on unauthorised sites in January 2002 need a residential pitch.	
(5) The range is the result of rounding an assumed 2% or 3% per annum increase in the number of Gypsy families from the counts, and assuming that 70% will be housed on residential sites.	
(6) Very crudely this assumes that the 7 sites closed in the January counts are brought back into use at 10 pitches each plus the 7% of pitches on open sites currently unused at the time of our survey.	

Source: Centre for Urban and Regional Studies at the University of Birmingham, *The Provision and Condition of Local Authority Gypsy/Traveller Sites in England, 2002*.

75. A similar number of short-stay sites are required (as shown in Table Two), but this equates to a much higher proportionate increase over current provision. These calculations do not make allowance for an increase in seasonal or occasional travelling by “settled” Gypsies and Travellers who may travel if site provision improved. In her calculation of short-stay accommodation, Pat Niner estimates a 25% vacancy rate. She argues that transit accommodation is unlikely ever to be fully occupied, and may periodically be closed for clean-ups or repairs.

Table Two: An Estimate of Need for Transit/Mobility Pitches: 2002-2007

Element in estimate	Estimated number of pitches
Current authorised transit supply (1)	520
Current shortfall: unauthorised camping (2)	870-1,220
Current shortfall: summer travelling (3)	450
Current shortfall: total	1,320-1,670
Family formation 2002-2007 (4)	250-375
Vacancy allowance (5)	400-500
Total requirement to 2007	1,970-2,545
Notes:	
(1) Current authorised transit supply is estimated at 6% of families on local authority sites to reflect the division between residential and transit pitches + an arbitrarily assumed 10% of families on private sites.	
(2) The range assumes that 50% or 70% of families on unauthorised sites in January 2002 need a transit pitch or other provision for mobility.	
(3) This is the average difference between families counted on unauthorised sites in January and June each year since 2000.	
(4) The range is the result of rounding an assumed 2% or 3% per annum increase in the number of Gypsy families from the counts, and assuming that 30% will want transit provision.	
(5) This assumes that some 25% of pitches will be empty at any time to allow for mobility.	

Source: Centre for Urban and Regional Studies at the University of Birmingham, *The Provision and Condition of Local Authority Gypsy/Traveller Sites in England, 2002*.

76. Without sufficient legal places to stop, Gypsies and Travellers stop where they can. The Traveller Law Reform Coalition estimate that 3,500 caravans, comprising 20% of the Gypsy and Traveller community, are on unauthorised encampments. We have received many submissions from members of the settled community and Gypsies and Travellers highlighting the problems caused by such encampments. Yvette Cooper, Parliamentary Under-Secretary of State at the ODPM is aware of the problems, as she demonstrated in response to an adjournment debate:

“My hon. Friend rightly identifies that the heart of the problem is that not enough sites are currently available to meet demand. That can lead to unauthorised encampments, which can cause great distress to the local community, especially where damage is done to local areas. That can also lead to unauthorised development, where Gypsies and Travellers buy up sites for which planning permission is not given, which causes all sorts of frictions both within the planning system and, again, with local communities. Unauthorised development has increased significantly over the past few years.”⁶⁸

The Rt. Hon. Keith Hill MP, Minister of State for Housing and Planning, recognises there is insufficient provision:

⁶⁸ HC Deb, 19 May 2004, col 1074

“I have to say that in preparation for this Committee I did a bit of a back of the envelope calculation and it seems to me that the maximum of unauthorised pitches is about 4000 and you could describe that as the unmet demand. That does seem to fit in with Pat Niner’s more detailed calculation which says that one to two thousand residential places and two to two and a half thousand transit sites or stopping places. So there is an unmet demand which needs to be resolved and I think we can begin to resolve that unmet demand in a number of ways.”⁶⁹

77. Although the Minister recognises the unmet demand, many are dissatisfied with the progress made by the Government and local authorities in addressing the shortfall. The Travellers Advice Team comment:

“In the Niner report, ‘Local Authority Gypsy/Traveller Sites in England’ (2003), it was estimated that between 1000 - 2000 permanent and 2000 - 2500 transit pitches were required by 2007 just to keep up with the current Gypsy and Traveller population. One year on from that report (when, at the very least, 200 permanent and 400 transit pitches should have been produced if there is hope of meeting the 2007 target) only a handful of new pitches have been created.”⁷⁰

The situation is worse if, as Pat Niner indicated in oral evidence, her figures underestimated need:

“I suspect that the estimates in my work, which really were a bit ‘finger in the wind’ on the basis of the counts (which are accepted, I think, to be an under estimate rather than an over estimate) is also an under-estimate of need rather than an over estimate. I think I may have under estimated the rate of family growth. We have been doing some work with local authorities recently which has collected information about the number of older children in Gypsy families on Gypsy sites and that suggests probably a natural rate of demographic household formation that is higher than was built into those proposals. So if we going to meet those targets, then, it does imply fairly rapid action.”⁷¹

78. Charles Smith, Chair of the Gypsy Council for Education, Culture, Welfare and Civil Rights argues that aiming for specific targets will mean there is never sufficient provision:

“I do not think there should be a set number on sites. I think it should be an open-ended policy, the same as housing, because I feel that caravan sites and living in caravans should be an acceptable form of accommodation. If you have a set number and you provide those sites, what happens to the generation after? We are forever being seen as a special need and I do not think that is right. I think Gypsy and Traveller accommodation should be tied in with everybody else’s accommodation. Housing is an open-ended thing and I do not see why caravan site provision should not be the same. [...]but we are always living with a shortfall, that is the problem, because by the time they get around to providing our sites, if they provide them and it takes them ten years to provide them, in ten years’ time we are still going to have

⁶⁹ Q 322 [Rt. Hon Keith Hill, a Member of the House, Minister of State for Housing and Planning, Office of the Deputy Prime Minister]

⁷⁰ Ev 45 [Travellers Advice Team, Community Law Partnership]

⁷¹ Q 174

2,000 pitches that we are going to be short of. If we continually say, “This is the target,” and we only ever aim ourselves for that target, we are never, ever going to fulfil the need for caravan site provision.”⁷²

79. An effective way to help reduce unauthorised camping is to have enough legal sites. There is too little accurate information on the levels of need required. The bi-annual Gypsy count is widely viewed as inaccurate. Even if the count is improved, it should be recognised only as a snapshot of what is occurring at time of completion. It may be out of date very quickly due to Travellers moving into, or out of the UK, as new employment opportunities arise or due to changes in the housing market. Consequently, planning policies should strive to produce a surplus of sites rather than a continuing under-supply.

⁷² Q 36 and Q 38

6 Types of Accommodation

80. There are 320 official local authority caravan sites provided explicitly for Gypsies and Travellers. Most sites cater for residential use, few offer pitches for short-stays or transit use. Most Gypsy and Traveller families live in owner-occupied caravans or mobile homes. Well-designed sites will offer spaces for two caravans on each pitch. A lot of families will have a mobile home or chalet which will be left permanently on site and also a touring caravan. Pitches are rented under licence from the site provider.⁷³

81. We were told that a range of accommodation is required for Gypsies and Travellers. The Traveller Reform Coalition believes that Gypsies and Travellers should be “able to choose from a broad range of accommodation types according to ownership, price and location”.⁷⁴ The National Association of Gypsy and Traveller Officers agrees: “Travellers should have the same access to a range of accommodation as is expected in settled communities”.⁷⁵ Charles Smith, Chair of the Gypsy Council for Education, Culture, Welfare and Civil Rights told us:

“We are asking for equality with people in housing. There is private site provision; registered social landlords, proper ones; local authorities; possibly a mixture of the two; and other forms – just the same as housing. So you can rent, you can buy, the same as other people have: you can live in a flat, you can live here, you can live there, you can choose. Once we have the open market on sites, the same as housing, the problem is dealt with.”⁷⁶

Although many Gypsies and Travellers spend long periods of time in one place, others still travel for all or part of the year. This means that both permanent residential sites and temporary sites are needed, as the National Association of Gypsy and Traveller Officers explain in their submission:

“Gypsy families themselves also exhibit a need for a nomadic way of life, and travel often for economic purposes and to meet family and relatives. This travel pattern has often caused problems regarding unauthorised stopping places and the lack of available areas to stop. Interaction between Gypsy families and the settled community provides potential problems wherever Gypsy families stop, and the requirement to address both permanent accommodation (howsoever provided) and transitory accommodation to enable stopping places to be legally acceptable and defuse the problems associated with unauthorised camping is self evident.”⁷⁷

82. There are five main types of accommodation:

Short-stay sites:

⁷³ Centre for Urban and Regional Studies at the University of Birmingham, *The Provision and Condition of Local Authority Gypsy/Traveller Sites in England*, 2002, pg 9

⁷⁴ Ev 36 [Traveller Law Reform Coalition]

⁷⁵ Ev 86 [National Association of Local Councils]

⁷⁶ Q 57 [Charles Smith, The Gypsy Council for Education, Welfare, Culture and Civil Rights]

⁷⁷ HC 63-III, Ev 78 [National Association of Gypsy and Traveller Officers]

- Emergency/Temporary Stopping Places
- Transit Sites

Long-stay sites:

- Public Residential Sites
- Private Sites; and
- Permanent Housing

In her report Pat Niner highlighted that around 79% of sites studied catered for a single group of Gypsy/Traveller. 71% of sites were occupied by English Gypsies, 7% by Irish Travellers and 1% of sites were occupied exclusively by New (Age) Travellers. Only 21% of sites had residents from more than one of these groups. English Gypsies were the most widely catered for, living on 92% of sites with Irish Travellers residing on 28%, and New (Age) Travellers on 3%.⁷⁸ Many people believe that different groups rarely mix successfully on sites, and one Gypsy told us that incompatibility stretched into families:

“I think the majority of Gypsies in this country would much prefer to live on their own site given the problems we have with incompatibility, where half of us cannot live together. That does not mean English and Irish; that means family to family. That is one of our biggest problems.”⁷⁹

Short-term stay sites

83. Those Gypsies and Travellers who travel are not well provided for. There are just over 300 transit pitches provided on local authority sites. The National Association of Gypsy and Traveller officers argues that:

“Unauthorised camping can easily be eliminated by the provision of authorised stopping places to reduce discrimination by private campsites refusing to take Gypsy families. If legislation required local authorities to provide temporary or short-stay accommodation the travelling community would then be able to travel to predetermined stopping places thus avoiding the present situation of families arriving in an area with no accommodation and being forced to move on at short notice. Once again, the provision of temporary or short-stay sites would require a needs assessment based on local travel patterns within a county or region. A network of such sites could then be established with a regional overview. Without Government directives compelling local authorities to comply, many local authorities are unable to follow a planned development of Gypsy accommodation due to the consultation processes on planning legislation.”⁸⁰

84. The need for transit accommodation has been recognised for over forty years, but supply is actually shrinking. This is because many authorities have found short stay sites

⁷⁸ Centre for Urban and Regional Studies at the University of Birmingham, *The Provision and Condition of Local Authority Gypsy/Traveller Sites in England*, 2002, pg 27

⁷⁹ Q 94 [Hughie Smith, President of the Gypsy Council (Romani Kris)]

⁸⁰ HC 63-III, Ev 80 [National Association of Gypsy and Traveller Officers]

difficult and expensive to manage and maintain. Gypsies we spoke to on an unauthorised encampment in Hampshire seemed reluctant to consider using short-stay public sites. Such sites had reputations for being in a poor physical condition, or for attracting trouble-makers.

85. The ODPM Gypsy Sites Refurbishment Grant has over the past few years tried to encourage local authorities in England to develop transit and stopping place sites through provision of 100% grants for development of new sites. It was hoped that through enhanced provision, the number of unauthorised developments could be reduced. However the Traveller Law Reform Coalition believe this has created a new problem as emphasis shifts away from residential provision, and short-stay sites become clogged up with Gypsies and Travellers waiting for spaces on residential sites:

“More transit sites are needed, but the lack of residential sites will tend to distort their usage, as Gypsies and Travellers will want long term stopping. There have been few successful examples of transit sites because of this, and because of the failure of local authorities to maintain them.”⁸¹

Other submissions have also highlighted this trend. Charles Smith of the Gypsy Council for Education, Culture, Welfare and Civil Rights believes that local authorities are now only interested in building transit sites:

“Local authorities seem only interested in providing transit sites which while necessary for some movement, do not and cannot replace the need for stable properly built long term residential sites.”⁸²

NAGTO stress that:

“Local authorities require assurances that when providing transit and temporary accommodation they are not being asked to meet national shortages of accommodation on permanent sites by the provision of temporary sites which may be used for extended periods. The establishment of transit sites should also be subject to assurances that the local authority area will not be subject to increased unauthorised encampment due to the availability of transitory information”⁸³

The Association for Chief Police officers share NAGTO’s concern that this pattern of short-stay accommodation provision may increase unauthorised encampments:

“Many transit sites have ceased to be “transit” and have become permanent sites for one family or one family group. Quite frequently a site will attract other Travellers to set up camp on unauthorised sites nearby. This contributes to the “not in my back yard” attitude of members of local communities.”⁸⁴

86. As legal sites, transit sites should have amenities and services including boundary fencing, hardstanding on each pitch, water supply, toilet and washing facilities, waste

⁸¹ Ev 36 [Traveller Law Reform Coalition]

⁸² HC 63-III, Ev 91 [The Gypsy Council for Education, Culture, Welfare and Civil Rights]

⁸³ HC 63-III, Ev 82 [National Association of Gypsy and Traveller Officers]

⁸⁴ HC 63-III, Ev 88 [Association of Chief Police Officers]

disposal and electricity supply.⁸⁵ Stopping places are less formal and less well-serviced with perhaps only a water supply and rubbish disposal facility. They are generally intended for shorter stays. We received submissions which were critical of transit sites which lacked facilities.⁸⁶ There were concerns that poorly equipped sites contributed to the poorer health, higher infant mortality, higher maternal death rate and lower life expectancy in the Gypsy and Traveller community than the norm in the settled community.⁸⁷ It is for health reasons that the Gypsy Council (Romani Kris) argue that individual self-contained toilet and handbasin facilities should be provided on both transit and stopping place sites. They suggest that ‘portaloo’ style facilities would also offer the advantage of easy removal when pitches were not in use. We observed the successful use of such facilities on our visit to South Dublin in Ireland. The Gypsy Council argue that sites without such facilities will have a limited lifespan because they will quickly become health hazards.

87. Transit sites have a reputation for being difficult to manage because it is harder to control access, behaviour and length of stay. Dr Robert Home told us:

“The official statistics show that authorities with transit provision have a lower incidence of unauthorised encampment, but the sites can be difficult to manage. The reasons include: high turnover, non-payment of rent, vandalism of facilities, anti-social behaviour, complaints from neighbouring land users, conflict between different occupiers, and difficulty in enforcing maximum length of stay.”⁸⁸

There seems to be some consensus that transit sites must be well equipped with the regular presence of a manager on site, not a cheap option for a local authority:

“What we need is just a few transit sites up and down, I don’t want to live in one place all the time, but you have to have a strong boss on a site to run it and who knows who gets on with who.”⁸⁹

88. A distinction is drawn between transit sites and stopping places related to the standard of provision and anticipated length of stay. Pat Niner comments that “Very generally it seems likely that the more elaborate the facilities provided, the tighter management must be provided, and the greater the risk of deterring the most troublesome unauthorised campers”.⁹⁰ Stopping places, with provision of fewer amenities and services, are thought to require less management but there is much less consensus about their success. Such sites can be subject to more opposition from the settled community because of their informal nature and lack of local authority management. Arun District Council submitted West Sussex County Council’s strategy on Gypsies and Travellers which revealed reluctance to provide short-stay sites:

⁸⁵ Centre for Urban and Regional Studies at the University of Birmingham, *The Provision and Condition of Local Authority Gypsy/Traveller Sites in England*, 2002, pg 41

⁸⁶ Ev 42 [Traveller Law Reform Coalition]

⁸⁷ Ev 41 [Traveller Law Reform Coalition]

⁸⁸ Ev 89 [Dr Robert Home]

⁸⁹ GTS 45 (ii) (not printed) [Derbyshire Gypsy Liaison Group – quote from ‘John’, a Gypsy]

⁹⁰ Centre for Urban and Regional Studies at the University of Birmingham, *The Provision and Condition of Local Authority Gypsy/Traveller Sites in England*, 2002, p46

“We have no experience of running transit sites and foresee difficulties in ensuring that they are used for the purpose intended, with families being required to move off after a defined period of stay, be it a week, a month or three months. We are also concerned about the difficulty of ensuring that sites provided to less than residential site standards do not cause nuisance to local residents and the possibility of claims being made to the local authorities. We concur with the ODPM’s conclusion that ‘transit site management is likely to be expensive and certainly not a cheap options for local authorities’: our estimate is that transit sites are likely to cost a minimum of £300,000 each to develop, subject to size, location, facilities and the availability of services, and would cost about £30,000 p.a. to run. Nevertheless, it is the County Council’s view that this option is to be preferred to minimal facility stopping places which are likely to be effectively unmanaged and unmanageable.”⁹¹

89. Unfortunately there is no way of testing whether short-stay sites would help reduce the numbers of unauthorised campers. Such sites cannot be expected to work in isolation; they would have to be part of a network. One way to trial this idea might be to run a pilot scheme within a particular geographical area to attempt to develop a mini-network of sites.

90. NAGTO, who represent local authority site managers do not think short and long stay accommodation should be mixed:

“If they are permanent residential sites where people want to reside permanently that is not the same as transit or short-stay accommodation. When people settle on permanent sites and use that as their home, the last thing they want is people coming on there for a couple of weeks, living next door to them and then moving off. That is a permanent residential site. You also need a network of transit or short-stay sites.”⁹²

But other witnesses, such as Dr Home, suggest mixed provision on private sites could work well:

“Personally I think that a lot of gypsies would be quite happy, and do, to provide transit accommodation on their own sites, so you could do more in that area, but you would need planning permissions that define this and perhaps define periods of the year. Public authority transit site provision has been singularly unsuccessful. There is a handful of sites, but they always give rise to all sorts of problems. It may be that there is a place for a private solution to some of that.”⁹³

91. Charles Smith suggests that touring caravan sites could be encouraged to accept travelling Gypsies/Travellers on their sites:

“As it is, there are over 2,000 mobile homes on Parks, providing families with cheap housing. Generally, these Parks will not accept a Gypsy or Traveller family, however ‘respectable’ they are, so only non-Gypsy families can use that particular facility. This is racism and the Government should tackle it. The Caravan and Camping Club accepts Gypsy members and thereby lets them use its camping sites. The Caravan

⁹¹ West Sussex County Council, *A Strategy on Gypsies and Travellers in West Sussex*, January 2003

⁹² Q 257 [George Summers, Gypsy and Traveller Service Manager for Hampshire County Council and Secretary of the National Association of Gypsy and Traveller Liaison Officers]

⁹³ Q 16 [Dr Robert Home]

Club however currently does not accept Gypsy members (again racism the Government should tackle). It is worth noting that both these clubs have special dispensation under planning laws which allows them to have up to five caravans on their sites without the need for planning permission. Allowing Gypsy and Traveller people to use these sites could help to provide a breathing space as transit provision whilst transit and residential sites are built and more private sites are allowed.”⁹⁴

Long-term stay sites

92. Private sites play an important role in accommodation provision for Gypsies and Travellers. There are more than 650 owner-occupied sites providing more than 1,800 pitches (average 2.76 pitches/site) on a friends and family basis; and 90 private sites with 1,750 pitches available to rent (average 19.4 pitches/site). The great majority are owned by Gypsies/Travellers, and most are permanent long-stay sites. Many Gypsies and Travellers would like to develop their own sites for use by themselves and immediate family. However we received a large number of submissions highlighting the difficulties Gypsies and Travellers had encountered when trying to obtain planning permission for a private site. Many Gypsies are frustrated by the planning process, arguing that if they could develop their own site, they would free up pitches on local authority sites for those without the means to develop their own site.⁹⁵ We explore this in more depth in chapter seven.

93. For the vast majority of Gypsies and Travellers, private site ownership is only a dream. More realistic is a place on one of the 320 local authority sites in England, although there are waiting lists for these as Dr Kenrick told us:

“There are families who still want to get on to council sites. I would say that we could do with half as many council sites again as we have now, going by the waiting lists – particularly in the Home Counties, which is where I do most of my work, I must say. There is still scope for more council sites, and there are people who want to go on council sites still because they do not have the money to buy their own land.”⁹⁶

Pat Weale, Gypsy Services Manager for Worcestershire County Council, believes that some Gypsies and Travellers are paying excessive rents to private site owners because they have no other place to go. She argues that local authorities have a responsibility to provide sites:

“[...] there are more Gypsies and Travellers who cannot provide for themselves and they are the ones who are looking to the local authority to be a fair and equal landlord and not to be ripped off with private rents and private sites. I have noticed that on some of the sites that have been taken into the private sector the rents have risen from something like £35 to £80 to £100 a week. You are cherry-picking, you are forcing the average Gypsy back on to the roadside because they cannot afford those rents. So I am really concerned with those families who cannot provide for themselves and who are looking to us to accommodate them [...].”⁹⁷

⁹⁴ HC 63-III, Ev 92, [The Gypsy Council for Education, Culture, Welfare and Civil Rights]

⁹⁵ HC 63-iii, Ev 67, [Hughie Smith, President of the Gypsy Council (Romani Kris)]

⁹⁶ Q 16 [Dr Donald Kenrick]

⁹⁷ Q 234 [Pat Weale, Gypsy Services Manager for Worcestershire County Council]

Housing

94. There is very little information on Gypsies and Travellers who live in settled accommodation although it has been estimated that it may be up to 200 000 people.⁹⁸ It is estimated that many Gypsies and Travellers in Greater London live in settled accommodation.⁹⁹ The numbers seeking housing are likely to vary according to levels of alternative accommodation provision. While some Gypsies and Travellers choose housing as a permanent option, others see it as a temporary measure, particularly if they do not have a place on a site; have endured a series of evictions from unauthorised developments; or for educational or health reasons. Some Gypsies and Travellers hope to move permanently into housing but one report alleges that “Travellers frequently get offered housing that is on ‘hard to let’ or sink estates”.¹⁰⁰ The report adds that “when Travellers do move into housing, harassment from some settled residents often ensues”.¹⁰¹ Others find the change too difficult. Several submissions have highlighted the lack of support networks to help Gypsies and Travellers adjust to housing: “There is a lack of any statutory support mechanisms to help and advise Travellers adjusting to living in houses and to protect these families from prejudice and discrimination.”¹⁰² Indeed, Pat Niner’s research suggests many would return to travelling if a suitable and safe site was available.

95. For many Gypsies and Travellers, housing is not a culturally acceptable option as witnesses explained:

Dr Kenrick: “It is the four walls. Mobile homes are not cheap. It is the four walls which are thick and you do not feel you are in the country. I was asking people about this because sometimes a mobile home looks very much like my flat – apart from being mobile - in size and the way it is laid out with furniture and they say, “We don’t like the four thick walls which cut ourselves out.” Many gypsies will not visit their relations who live in houses for this reason, because they do not like going inside the door.”¹⁰³

Dr Home: “[...] there is a huge amount of anthropological work done on this. The cultural values among most of the hundreds that I have dealt with would confirm that. I have a large number who have tried housing and have come out of it, or they have bought a house just so they can keep a caravan in the back garden with a yard alongside and so on.”¹⁰⁴

Cliff Codona, Chair of the National Traveller’s Action Group: “Could I please say I have something very desperate to tell this committee about the structure of the traveller and gypsy community. The reason that housing terrifies us so much is because we do not put any of our elderly into homes. We do not send any of our

⁹⁸ HC Deb, 19 May 2004, col 1072

⁹⁹ Centre for Urban and Regional Studies at the University of Birmingham, *The Provision and Condition of Local Authority Gypsy/Traveller Sites in England*, 2002, pg 9

¹⁰⁰ Dr Colm Power, *Room to Roam, England’s Irish Travellers*, June 2004, pg 29

¹⁰¹ Dr Colm Power, *Room to Roam, England’s Irish Travellers*, June 2004, pg 29

¹⁰² Dr Colm Power, *Room to Roam, England’s Irish Travellers*, June 2004, pg 29

¹⁰³ Q 14

¹⁰⁴ Q 14

children off to boarding schools. We keep our family units together. We keep the oldest member of the community to the youngest member of the community within that family group. It is our very existence. To be put into housing is a deep threat to us, to have our children taken away from us, to be able to look after our elderly.”¹⁰⁵

Group Housing

96. An alternative form of accommodation provision has developed in Ireland. Group housing is described as residential housing development but with additional facilities and amenities specifically designed to accommodate extended families of the Irish Traveller community on a permanent basis.¹⁰⁶ Small groups of purpose-built bungalows or (less frequently) houses are built in small enclaves, which may or may not include a community house, play areas, stables and grazing and secure work areas depending on size of scheme, location and Traveller needs. The bungalows are built to permanent housing standards and are detached or semi-detached so as to allow in-curtilege space for lorries and other vehicles, perhaps including caravans. Properties are rented.

97. The appeal of this concept is that it preserves the sense of family, community and interdependence that is an important feature of life for many Travellers. Pat Niner’s report records positive support for group housing schemes from many of the Gypsies and Travellers she interviewed. She suggests how the schemes could be adapted for trial in England:

“I think it could [be successfully implemented] for particular groups of Gypsies and Travellers who are relatively stable and relatively settled where there is a group who we know can live together peaceably and would continue to live together peaceably. One of the things that I think might be explored is, if there were land available, thinking about developing some sort of group housing adjacent or near to some of the established local authority sites where there are people who might be very happy to move into houses and then children or other residents of the site themselves could move on to the plots with the caravans as (I would not say a progression because that implies that we are trying to settle people which I do not think we are) meeting need. I do not see why that should not work but I think it has got to be sensitive and it certainly is not a panacea.”¹⁰⁷

One drawback of the system is that extended families settled in group housing will naturally grow apart over a number of generations through marriages and deaths, possibly inducing social friction and splits into the system as original loyalties diminish.¹⁰⁸ Cliff Codona, Chair of the National Travellers’ Action Group, suggested that if one member of a scheme left it might be difficult to find an acceptable replacement:

¹⁰⁵ Q 63

¹⁰⁶ Centre for Urban and Regional Studies at the University of Birmingham, *The Provision and Condition of Local Authority Gypsy/Traveller Sites in England*, 2002, pg 39

¹⁰⁷ Q 175 [Pat Niner, Senior Lecturer in the Centre for Urban and Regional Studies at the University of Birmingham and Gypsy and Traveller researcher]

¹⁰⁸ Dr Colm Power, *Room to Roam, England’s Irish Travellers*, June 2004, pg 30

“When you do a social housing project and you put the one family in it, all of a sudden – and this has already happened in Ireland – one of the family members decides to leave to go somewhere else, then the council authority is left with a surplus property but not necessarily another outside family is going to come and use that property, because they have the one family living there and there might be tensions within them two different families.”¹⁰⁹

98. We visited several group housing schemes in South Dublin County including those at Kiltipper/Marlfield, Kimmage Manor Way and Greenhills Grove. Mick Fagan of South Dublin County Council told us that Travellers were keen to secure places on group housing sites. He explained that negotiations between the council and Traveller advocacy groups were often protracted, and he was unable to develop group housing schemes as quickly as he would have liked. The planning process also took time and public consultations were often difficult. Settled communities near proposed sites had been very concerned about their development although the council had received few complaints once the sites were established. It was emphasised to us very strongly that to be successful, group housings schemes needed to be built at very small densities – 5 properties being the ideal. We were also told that residents were carefully selected to ensure they were compatible, most were from an extended family group.

99. Officials from the Office of the Deputy Prime Minister also visited the Republic of Ireland and were impressed with the schemes they visited:

“Certainly the group housing that saw was really, really nice. It was a very good standard of accommodation. It basically allowed for an extended family to live together in a cul-de-sac. The accommodation was provided very much in consultation with Gypsies and Travellers. There was no feeling that Gypsies and Travellers were actually being forced into this sort of accommodation. We spoke to a number of Gypsies and Travellers who were living in the group homes, who were living on permanent sites and who had expressed a preference to move now into group houses and to Gypsies and Travellers living on tolerated sites who were waiting for the group houses to be built for them. The message that came across very clearly to us was that this is an appropriate accommodation provision providing it is what Gypsies and Travellers want. There is no use providing this sort of accommodation if it is not what Gypsies and Travellers want and the aspirations of Gypsies and Travellers vary.”¹¹⁰

However there is a question over resources:

“It is a resource intensive initiative. The actual plot of the group house tends to be a larger plot than that found in social housing. I think the differences between here and Ireland are quite marked in land availability. Ireland is a much less densely populated country. It does have a luxury of land use that we do not have and I think that whilst group housing could be explored here it would be difficult to provide the same sorts of accommodation as the Irish were providing. If I could summarise, the units that we saw were detached bungalows in little cul-de-sacs and I would find it difficult to

¹⁰⁹ Q 65 [Cliff Codona, Chair, National Travellers’ Action Group]

¹¹⁰ Q 368 [Dawn Eastmead, Head of Housing Management Division, Office of the Deputy Prime Minister]

imagine that you would have the same luxury of provision for anybody accessing social housing here.”¹¹¹

South Dublin County have used planning legislation to oblige property developers to build group housing bungalows as part of the quota of affordable housing they are required to provide. These schemes are then mixed in with other affordable, social, and market priced housing. South Dublin County Councillors emphasised that there has to be a political will to develop such schemes. They told us that issues of land price and land availability can be solved with sufficient will. In South County Dublin every word was required to. They also emphasised the need to spread accommodation schemes through every ward, regardless of land price, in order to show a political commitment.

Conclusions

100. A range of accommodation options should be available through private and local authority provision including stopping places, transit sites and permanent residential sites. A number of transit sites are needed close to the major motorway networks. We recommend that the Government work with local authorities and Gypsy and Traveller representatives to trial the feasibility, usefulness and manageability of a network of short-stay sites. These sites will require firm and visible management in order to ensure appropriate behaviour.

101. Group housing may also be appropriate in some areas of the country. We were impressed with the examples we visited in Ireland. We appreciate that in addition to the financial resource implications of such a scheme, there is a land availability issue which is perhaps less apparent in Ireland. However we recognise that with sufficient political will, land and resources could be found. We recommend that consideration be given to piloting comparable group housing schemes in some of the former industrial areas of England which have large areas of empty homes and/or brownfield land.

¹¹¹ Q369 [Dawn Eastmead, Head of Housing Management Division, Office of the Deputy Prime Minister]

7 The Planning System

102. In chapter two we described some aspects of the legislative background to current accommodation provision policies for Gypsies and Travellers. The Criminal Justice and Public Order Act 1994 (CJPOA) repealed the duty of the 1968 Act which required councils to provide caravan sites for Gypsies/Travellers residing in or resorting to their areas. Circular, 1/94 'Gypsy Sites and Planning' provided revised guidance on planning controls relating to Gypsy caravan sites. It required local authorities to produce structure plans setting out strategic policies and providing a framework for site provision. Local planning authorities were expected to quantify need for Gypsy accommodation in their districts, and where possible identify locations suitable for development as sites. Where this was not possible, they should set out clear, realistic criteria for suitable locations. The intention was that this policy would encourage Gypsies and Travellers to develop private sites and reduce the need for local authority provision.

103. The current under provision of accommodation is testament to the fact that planning policies, such as circular 1/94, are not producing sufficient numbers of sites:

Charles Smith, the Gypsy Council for Education, Culture, Welfare and Civil Rights: "Few if any local authorities have obeyed Government requirements under 1/94 to put land use need for Gypsy and Traveller families into their structure plans and into the district planning development. Gypsy and Traveller families are seen by local authorities as such a tiny group that there is no real need to include them. This has to be challenged and changed otherwise the Government is simply agreeing with the racism."¹¹²

NALC: "Principal Local Authorities need to have a clear understanding of what is expected of them in addressing Traveller accommodation needs. Planning policies need to be consistent. [...]. Another tool needs to be a move from the rigid criteria of 1/94, which is perceived as providing the rationale for refusing the majority of site applications."¹¹³

ODPM: "The Government believes that 1/94 is not working effectively in many areas to identify enough appropriate sites, which is why it is now being revised."¹¹⁴

104. In "The Provision and Condition of Local Authority Gypsy/Traveller Sites in England", Pat Niner discovered that only 30% of local authorities had a written Gypsy/Traveller accommodation policy and fewer than 40% of authorities had conducted or planned a Best Value review of Gypsy and Traveller services. She concluded that:

"In part this reflects the lack of a specific duty to consider Gypsy/Traveller needs, and in part a tendency to equate Gypsy/Traveller accommodation with site provision – so an authority without a site has no policy. Where policies exist, they are not always comprehensive and integrated. [...]. History and individual personalities seem to

¹¹² HC 63-III, Ev 91, [The Gypsy Council for Education, Culture, Welfare and Civil Rights]

¹¹³ Ev 85 [National Association of Local Councils]

¹¹⁴ Ev 6 [ODPM]

have an influence on the approach taken locally. Most policies have been developed without input from Gypsies and other Travellers.”¹¹⁵

105. Those local authorities which do have Gypsy and Traveller policies tend to focus on private site provision and adopt criteria-based planning policies which are widely criticised by Gypsies and Travellers as inconsistent and impossible to meet¹¹⁶:

“The most frequently used criteria are closeness to facilities and services, minimal impact on amenities, acceptable vehicular access, potential for screening or landscaping, capable of being serviced, not located in protected areas, and minimal impact upon environment or countryside. The development control system allows wide variations and inconsistencies of approach, with central government policy on the subject being sometimes ambivalent. A concern with protecting the rural character of the countryside (and other planning considerations) has to be balanced against the accommodation needs of a small minority group, and the system operates on a case-by-case basis.”¹¹⁷

ACERT believe criteria-based policies generate speculative, misconceived planning applications indicative of the desire of some Gypsies and Travellers to secure their own site:

“[...] it seems as though the percentage of misconceived planning applications, where, for example, according to policy an applicant has a very limited chance of success, has not diminished. Approximately one third of all refused applications [of 114 studied by ACERT] and appeals took place within green belt land.”¹¹⁸

106. Hughie Smith, President of the Gypsy Council (Romani Kris), told us that many existing local authority Gypsy and Traveller sites would not pass the criteria-based policies of local authorities if considered for planning permission today. He believes local authorities use criteria-based policies because they lack the political will to identify potential land for development as Gypsy/Traveller sites:

“One of the things which we have suggested in respect of the proposed revision of circular 1/94 is that stronger advice should be issued to local authorities to identify in their local plans either specific locations or areas of land which they consider suitable for the future development of Gypsy sites, whether by the public or private sector. As the situation stands, the circular provides authorities with a ‘get out clause’, namely the alternative of including within their plans a list of criteria against which future planning applications for Gypsy sites will be judged. As we have commented to ODPM, from the number of local plans which we have seen, the majority of authorities have ‘taken the easy way out’ by choosing the ‘softer’ option – presumably to avoid any political backlash on the part of their electorate were the seen to be ‘grasping the nettle’ and actually identifying sites – but in doing so have compiled

¹¹⁵ Centre for Urban and Regional Studies at the University of Birmingham, *The Provision and Condition of Local Authority Gypsy/Traveller Sites in England*, 2002, pg 11

¹¹⁶ HC 63-III, Ev 92, [The Gypsy Council for Education, Culture, Welfare and Civil Rights]

¹¹⁷ Ev 89 [Dr Robert Home]

¹¹⁸ ACERT and Toby Williams, *Private Gypsy Site Provision*, 1999

lists of criteria which it is impossible for any site (even their own existing sites, were they to come up for consideration under the new criteria) to meet in full.”¹¹⁹

ACERT agree commenting: “If an authority cannot identify land suitable for Gypsy site development what chance has the average Gypsy?”¹²⁰

107. The Gypsy Council for Education, Culture, Welfare and Civil Rights estimate that 80% of planning applications from Gypsies and Travellers are rejected, as opposed to 20% from the settled community. This has led to a situation where many Gypsies and Travellers are buying land, developing a site and then appealing for planning permission retrospectively:

“Not only does the typical applicant have little choice in where they live, but they often have little planning knowledge or input into the formulation of planning policies. With such clear difficulties for the applicant, it is no wonder the majority of applications are retrospective. For many Gypsies, applying retrospectively offers the only alternative to camping on the roadside. By buying and occupying their own land and applying for permission – even if refused – an appeal can offer valuable time and a chance of success. This method of provision is haphazard, costly and lengthy for both the applicant and authority. Private Gypsy site provision is an area of planning where the need for a fair and reasonable plan-led approach is severely lacking.”¹²¹

108. This causes great frustration for the settled community, local authorities and planners:

Phillip Plato, a Chartered Planning Surveyor: “[...] circumstances have resulted in people claiming to have Gypsy status acquiring land in areas of development restraint policy, setting up unauthorised private camps and then seeking planning permission retrospectively. The justification for such planning applications is often based on the wording in Circular 1/94, together with claims that land use economics (and human rights issues of the Gypsy families involved) satisfy the test of “very special circumstances” in Planning Policy Guidance Note 2 (PPG2) regarding development in the Green Belt. This results either in costly planning appeals that often revisit the same issues heard elsewhere and thereby add burden to the public purse or occasionally in restricted conditional consent being granted in inappropriate areas. Such reactionary policy on site provision is not in the best interests of either local authorities, Gypsies or the settled community. [...]. The inability of planning system to expedite applications and particularly appeals, frustrates matters and is also unhelpful to neighbouring settled communities, especially where an unauthorised site is causing nuisance. For example, a retrospective planning application at an unauthorised site will take at least 2 months to be determined locally. If refused, the applicant has up to 3 months in which to appeal and thereafter the Planning Inspectorate may take a further 6 months or longer to set an appeal date. The decision may then take a further couple of months

¹¹⁹ HC 63-III, Ev 67, [Hughie Smith, President of the Gypsy Council (Romani Kris)]

¹²⁰ ACERT and Toby Williams, *Private Gypsy Site Provision*, 1999, pg xii

¹²¹ ACERT and Toby Williams, *Private Gypsy Site Provision*, 1999, pg xii

(or more if referred to the ODPM). Over a year may pass before the matter is determined and this is in no-one's best interest other than the growing number of people previously referred to seeking to abuse the planning process."¹²²

Rick Bristow, Chairman of Cottenham Residents Association: "I am talking private sites here - what is tending to happen is that Travellers with money are identifying sites which they feel would be suitable for their own occupation, so they are buying the land quite lawfully, they may be paying slightly over the odds for it, but having taken the land they simply move on, bring in the hard core and provide services - water, electricity, et cetera - and then at about that stage they will run into trouble with the local authorities. Those authorities then, as I have explained in my note, tend to issue enforcement and stop notices et cetera, but they are breached. At that point civil law says it is wait and see until such time as the appeals process is followed through. During that time there is a PPG 1/94 that is, broadly speaking, ignored by the local authorities - there is no argument about that - and as a consequence we find that the local communities are simply staring in on something which is broadly unlawful and stays unlawful until such time as an appeals process says otherwise."¹²³

Councillor Susie Kemp, West Berkshire Council and Chairman of the Local Government Association Planning Executive: "Residents cannot understand why a group of Travellers are able to come into a field in the middle of outstanding natural beauty that they own now - they have bought it from a farmer - and concrete it over on Bank Holiday Saturday and there is absolutely nothing we can do because a planning application has been simultaneously submitted to the authority."

109. The planning framework is established to regulate development and use of land in the public interest and there must be good reason to give individuals or groups preference within a system, which is not usually concerned with the identity or personal circumstances of the developer. Cottenham Residents Association argues that Gypsies and Travellers who apply for planning permission retrospectively are given preference within the system because, despite unlawful development of the land, planning inspectors are frequently unable to evict groups because they have nowhere else to go.¹²⁴ Dr Robert Home also highlights this potential inequity:

"The growing number of applications for private Gypsy sites raised the possibility that a Gypsy could gain a valuable benefit from a public authority in the form of a planning permission to live in the countryside, even in the Green Belt, thus enjoying a 'privileged' position relative to members of the 'settled' community. With the rising price of housing land, this benefit could be substantial, and the loophole significant enough to be felt worth challenging by local authorities."¹²⁵

¹²² HC 63-III, Ev 87 [Phillip Plato]

¹²³ Q 177

¹²⁴ Ev 31 [Cottenham Residents Association]

¹²⁵ Ev 90 [Dr Robert Home]

A Regional Approach

110. Many witnesses suggested that a regional approach towards assessment of need could boost site provision. Assessment of need conducted at local level often fails to reveal the wider picture, and may relate more to those that reside in an area than those who resort to the area. This makes assessment for purposes of site provision, especially transit sites, more difficult. For example, a local study may suggest significant levels of demand in an area based on unauthorised encampment figures, but the demand may not relate specifically to the study area, but to a wider area.¹²⁶ Hence the support for a regional approach:

The National Association of Gypsy and Traveller Officers: “Based on accurate figures, the shortfall in accommodation will be more accurately assessed thus enabling the needs of the Gypsy community within regional areas to be assessed and included in regional plans for the provision of such accommodation.”¹²⁷

Phillip Plato: “Planning Circular 1/94 needs updating and revision. [...].The advice should remove the recommendation that Local Planning Authorities conduct quantitative assessments on a local level and be replaced by an obligation that they should participate in regional assessment of Gypsy needs.”¹²⁸

Ken Livingstone, Mayor of London: “[...] I see regional progress on this issue [site provision] very much within the national and local context. [...]. There is a need for a national lead and regional coordination of site provision, to prevent local authorities fearing that ‘honeypotism’ might follow voluntary provision under the current regime. [...]. At a regional level I am keen to work with Government to provide a London assessment, within a national context”¹²⁹

Local Government Association: “The LGA suggests that the Government puts in place a system of Traveller needs assessments for Traveller accommodation throughout the country by region, much as it plans permanent housing provision. There needs to be an objective and robust means of assessing need and a requirement to do it. In areas where there is demonstrated to be no need, there needs to be a definite timescale for review because Travellers’ travelling patterns can often change. Despite the small numbers in land use terms we believe new Regional Spatial Strategies should include site needs assessment as part of regional housing assessments in order to help overcome barriers and improve site provision. Identification of the location of sites should be determined by local or sub-regional delivery mechanisms.”¹³⁰

Lee Searles, Programme Manager for Planning and Transport at the Local Government Association: “We think that if the Government made that [needs assessments] an element of regional spatial strategies and regional spatial strategies therefore then included some kind of strategy which would set out the need for some

¹²⁶ GTS B/P03 [WS Planning]

¹²⁷ HC 63-III, Ev 79 , [National Association of Gypsy and Traveller Officers]

¹²⁸ HC 63-III, Ev 87 [Phillip Plato]

¹²⁹ HC 63-III, Ev 97 [Greater London Authority, Mayor’s Office]

¹³⁰ Ev 94 [Local Government Association]

kind of assessment of need based on known and anticipated flows and tradition, through a brokering process with sub-regional planning, through councils working together – which we have identified a strong desire for – then you can arrive at a sensible provision which would be supported both by councils and by Travellers because it would meet their needs.”¹³¹

The Commission for Racial Equality: “[...] sites are provided for in the same way as other forms of housing: Gypsies’ and Travellers’ accommodation needs are assessed within or alongside the housing needs assessment and reflected in the Regional Housing Strategy, site requirements are set out in the Regional Spatial Strategy and locations/areas for sites are identified in local development documents, and a ‘mainstreaming plus’ element is added at each stage of the process: an independent verification of the needs assessment is conducted, Regional Housing Boards are given particular priorities in relation to Gypsies and Travellers, Regional Spatial Strategies are only approved where they reflect adequate site numbers and inspectors are tasked with rejecting local development documents that do not identify sufficient sites, even where they are otherwise in general conformity with the Regional Spatial Strategy.”¹³²

111. The Minister of State for Housing and Planning believes that a revised planning system with more of a regional focus will bring about the necessary changes to ensure increased site provision:

Rt. Hon Keith Hill, Minister of State for Housing and Planning, Office of the Deputy Prime Minister: “I do think that one of the ways in which we need to go forward is by the new housing needs assessment and the new planning framework particularly at the regional level. I could expand on that if that would be helpful. Let me remind the Committee that we will be introducing in 2005 a new housing needs assessment and we would expect on the basis of that that the local housing strategies developed would feed into regional housing strategies which in their turn will guide regional planning. We would expect the regional spatial strategies to indicate the numbers of accommodations required in each local authority and it would be for the local authorities to identify appropriate sites, presumably which Gypsies and Travellers might purchase and develop.[...] I do think that the whole issue would benefit from a slightly more systematic approach than we have had heretofore and I think that the new regional spatial strategies do offer the possibility of a more managed approach and an agreed approach between authorities on this issue. It remains the fact that we will have a clearer idea of what the local need is on the basis of the new methods of assessment and we will be arming the local authorities with the methodology to make that assessment more effective and we do have, of course, a continuing programme of site refurbishment and investment in new transit sites.”¹³³

John Stambollouian, Head of Planning Directorate Division, Office of the Deputy Prime Minister explained the department’s approach:

¹³¹ Q 293 [Lee Searles, Programme Manager for Planning and Transport at the Local Government Association]

¹³² Ev 69 [Commission for Racial Equality]

¹³³ Q 322 and 324 [Rt. Hon Keith Hill, a Member of the House, Minister of State for Housing and Planning, Office of the Deputy Prime Minister]

“We have asked the University of Cambridge to develop a new housing needs assessment approach and that will specifically include provision for Gypsies and Travellers as part of that needs assessment. What we are doing is mainstreaming housing provision for Gypsies and Travellers alongside our general housing provision. Local authorities will have to produce their housing needs assessment in line with this approach which will then be quality assured by the regional housing boards. It will become part of the regional spatial strategies and the regional spatial strategies will allocate provision – the need to make provision – either on a sub-regional basis or on an individual local authority basis and then the local development documents which are produced locally will have to be in compliance with the regional spatial strategies so they will have to make provision.”¹³⁴

He went on to explain when the new system would emerge:

“We are hoping to publish the new needs assessment methodology before the end of this year and we would expect local authorities and regions to begin coverage by the middle of next year and there to be reasonable coverage by the end of next year. Once those assessments are in place they will become a material consideration on appeal so if there are sites being made and Gypsies come forward with proposals for Gypsy site development then one of the material considerations will be the assessment of need.”¹³⁵

112. However Terry Holland, Gypsy Services Manager of Buckinghamshire County Council identifies problems with such a needs based system:

“A big problem with the needs assessment at the moment is the fact that there is nothing at the national level to work down from in the way that there is in, say, housing assessment for the general community. There is a lack of information on Gypsies, although one may assume that there is some reference in there to Gypsies as part of the overall global numbers. Certainly they are not identified other than as an optional add-on reference within the centres but not separately grouped. People are not asked to identify if they are Gypsies, they can put it down if they want to. Working out from that most authorities face the problem when looking at needs assessments of trying to decide exactly what they are looking at. To start with are they looking at Gypsies in terms of their ethnic definition, which arguably would exclude people like Scots and Welsh Travellers, or are they looking at people in terms of people actually on the road, which may not include a number of Romany Gypsies or Irish Travellers who are settled permanently. When it gets down further than that you are looking at people with a variety of travelling patterns. Many want to look for a settled base from which they can work daily, perhaps replacing the relatively small routes that would have been occupied in the past when transport was not so easy, when it was horse-drawn or whatever. Others work on a national basis perhaps on the motorway network and have various relations between them. So local authorities have to decide in looking at needs assessment whether there is a need to meet their natural way of live to live in their area or whether it is a purely a local need, a sub-regional county need, a regional need or a national need. The background

¹³⁴ Q 324

¹³⁵ Q 330

information on that is not available and it is actually very difficult to identify. The information is probably easiest garnered currently at county level where there are counties or at unitary level in that there is an ability to bring things together perhaps more easily because you have got education and social services support. Many authorities have working arrangements which allow them to combine with the districts but that information has got to be put together on a wider basis if there is going to be a proper allocation of accommodation for Gypsies and Travellers and that accommodation, as we have heard before, is very greatly needed.”¹³⁶

113. In addition to the issues raised by Terry Holland, there is a question of what would happen if despite requirements for local authorities to conduct needs assessments and produce regional spatial strategies, local authorities still fail to deliver more sites. We pursued this with the Minister in oral evidence:

“**Chris Mole MP:** You were talking earlier on about the role of regional or local structures and regional spatial strategies. Where they [local authorities] do not have sufficient allocation for land for Gypsy and Traveller sites, is the Government going to jump in and challenge the inadequacy? Are you going to be a brave minister I suppose is the question?

Rt Hon Keith Hill MP: [...]. I think, if I might say so, it is a slightly premature question and you will remember that Harold Wilson quite rightly always used to say that he would never answer hypothetical questions, but I will observe that it is open for the Secretary of State to comment and react to a Regional Spatial Strategy.”¹³⁷

The Secretary of State had the ability to force local authorities to provide sites under the 1968 Caravans Act, yet this power was rarely used, so it is not surprising that Gypsies and Travellers remain unconvinced by the Minister’s proposals.

114. There is wide support for a regional approach towards assessment of need and provision of accommodation for Gypsies and Travellers. However any new system, including that of housing needs assessments and regional spatial strategies, will take time to have an effect and will need monitoring to ensure production of real change on the ground. We are not convinced that the Minister’s proposals will bring about increased provision of sites. Provision of accommodation for Gypsies and Travellers remains too political an issue. If the department pursues this approach, the Secretary of State will need to show strong leadership and reject all regional development plans that fail to make adequate provision for Gypsies and Travellers.

¹³⁶ Q 217

¹³⁷ Q 372

8 The Political Dimension

115. In “The Provision and Condition of Local Authority Gypsy and Traveller Sites in England”, resistance from local residents tops the list of obstacles to site provision, as it did in the Cripps report on the “Accommodation of Gypsies” in 1976. Dr Angus Murdoch, from the Travellers’ Advice Team at the Community Law Partnership is not surprised that little has changed. He commented:

“I think they [Gypsies and Travellers] are a hidden minority. They are a minority who are socially excluded from almost all aspects of mainstream life and for whom the majority of the British public only have contact through hostile media reports and unauthorised encampments and have very little real contact.”¹³⁸

Many people within settled communities employ Gypsies and Travellers to do work on their premises, whether that work be drive laying, tree-topping, or small building work; businesses also frequently use companies owned by Gypsies and Travellers for building work, road or car-park tarmac laying. Gypsies and Travellers are frequently able to offer cheap prices for such work. The settled community should recognise that Gypsies and Travellers need somewhere to live whilst undertaking work in an area.

116. Local authorities hold the key to site provision, either directly through public site provision – or indirectly through the planning controls exercised by local planning authorities. Politicians are accountable to their electorate, and few will choose to vote for something that their constituents will object to, for example, provision of a Gypsy site or planning permission for a private site. The previous chapter explored the difficulties that Gypsies and Travellers experience when trying to secure planning permission for a private site. The ACERT report concludes that “the political dimension relating to private Gypsy site applications cannot be understated when trying to understand the dynamics that underpin the decision making process. Intense political pressure can be applied to and communicated through councillors that is not necessarily reflected in the final decision.”¹³⁹

117. Many Gypsies and Travellers believe that pressure from the settled community is given more consideration by politicians than the needs of Gypsies and Travellers. Siobhan Spencer, Coordinator of the Derbyshire Gypsy Traveller Liaison Group told us:

“[...] a couple of years ago now we gave a family some advice not to buy land in a certain place. I said, “If you are looking to buy land, look at this, look at this, look at this.” They took our advice. Let me tell you, there is nothing wrong with this little bit of land that they bought. It was perfect. It had got planning permission on it for an office block and a disabled toilet. We thought, “Great, that is perfect for the mum” – because we were wanting a disability block for the old woman – and they failed it. They still failed it. They fail it because of public opinion. They fail it because you get perhaps a local council who will fill a hall with 300 people – they rally so many

¹³⁸ Q 207

¹³⁹ ACERT and Toby Williams, *Private Gypsy Site Provision*, 1999, pg xii

people together that it gets moved from the council offices and we go to another building because they have rallied that many people against you.”¹⁴⁰

And the Gypsy Council (Romani Kris) commented:

“Our experience of the planning process – which stems from our own involvement both in the submission of individual planning applications and our attending (or furnishing written statements for submission to) planning appeals throughout the length and breadth of this country during the past 31 years – has led us to the conclusion that the issue of whether or not to grant planning permission to Gypsy sites is very much a political one, further, one which has over the years led to point the finger of accusation at the majority of local authorities in terms of their exhibition of what we can only term the ‘political cowardice’ in refusing such planning applications [...].”¹⁴¹

The Gypsy Council for Education, Culture, Welfare and Civil Rights blames racism and pressure from the settled community:

“There are a number of factors behind this appalling imbalance; not least of these is racism. Racism not only from some of the council members and officers, but from some of the more vociferous of the settled population who object to plans and as such put political pressure on the council to refuse permission.”¹⁴²

118. Politicians and local authority officers have told us that it is difficult to balance the needs of the Gypsy and Traveller community with the views of the local population:

Councillor Chloe Lambert, Member of Aylesbury Vale District Council and deputy Chairman of the Local Government Association Planning Executive: “[...]. If there were more sites and if local authorities had a duty to provide, I think it would make the local member’s job easier in dealing with adverse reaction from the settled community. If it were recognised among the wider public that this is a duty on local authorities then I think the resistance would be less.”¹⁴³

George Summers, Gypsy and Traveller Service Manager for Hampshire County Council and Secretary of the National Association of Gypsy and Traveller Liaison Officers: “The lack of central Government overview, places on local authorities the task of determining provision in their area without central Government directives to ensure provision may be provided often against electorates wishes.”¹⁴⁴

119. There is a clear message from local councillors that they want greater central Government support if they are to develop Gypsy and Traveller sites. As Pat Niner comments, “there is also a feeling that providing for Gypsies and other Travellers is a

¹⁴⁰ Q 78

¹⁴¹ HC 63-iii, Ev 67, [Hughie Smith, President of the Gypsy Council (Romani Kris)]

¹⁴² 63-III, Ev 90, [The Gypsy Council for Education, Culture, Welfare and Civil Rights]

¹⁴³ Q 293 [Councillor Chloe Lambert, Member of Aylesbury Vale District Council and deputy Chairman of the Local Government Association Planning Executive]

¹⁴⁴ HC 63-III, Ev 81, [The National Association of Gypsy and Traveller Officers]

national as much as a local responsibility which can contribute to lower local commitment".¹⁴⁵

120. The Commission for Racial Equality argues that a duty to provide sites would provide local authorities with the necessary backbone to avoid political pressure. In addition they stress the importance of communication, and the role of the media:

“What do we think should be done about hostile public attitudes? First and foremost, to remove the cause of the problem which is the absence of sufficient good sites so that there is not a reliance on unauthorised encampments, which must be the most significant cause of public concern and hostility, and suggests that the provision of sufficient and good sites has to be the first step to resolving the community relations issue. Secondly, by having a legal requirement to provide sites it ensures that local authorities will not bow to inappropriate public pressure, but there is also a role, as in any difficult community or race relations situation, in the provision of information to the public in order to defuse misconceptions about the community. There is role for bridge-building and bringing people together to build understanding between communities and to have great care in handling press coverage so that we do everything that we can to avoid inflammatory media coverage of situations which can make it worse. We need the involvement of local communities in building bridges with Gypsies and Travellers and also dialogue with the local press to try to avoid inflaming a tense situation. The fundamental thing is to remove the cause of the problem.

The National Association of Local Councils adopt a similar view, arguing that improved communication between local politicians and members of the travelling community can in turn improve relations between the settled and travelling communities:

“No one can defend the present state of affairs where real and perceived discrimination against Travellers occurs. NALC makes it clear; it supports the principle that to discriminate against Travellers is unacceptable. NALC goes further and makes a clear commitment that all of its Member Councils have a duty to represent, communicate with and serve the Traveller Community, either settled with its boundaries or temporarily based within. Where a Traveller Community has a settled or traditional presence in a First-Tier Councils jurisdiction, we would expect the Town/Parish Council to act as a funnel of communication and understanding between communities and to promote the virtue of participation within the democracy of the Council and the local settled population's civic endeavours. NALC favours the following Policy principles as a basis for progress in stimulating improved relations between Traveller and local communities and bringing to an end illegal encampment issues: A return to consensus. Taking forward this issue has become increasingly difficult over the last decade, as the previously existing "political" consensus has been lost. All sides involved in Traveller issues need to acknowledge that sites are required, both settled and transit, that the Planning process needs to accommodate this. National and local policies should ensure that provision, equality

¹⁴⁵ Centre for Urban and Regional Studies at the University of Birmingham, *The Provision and Condition of Local Authority Gypsy/Traveller Sites in England*, 2002, pg 47

and enforcement of rights are as important as criminalisation, public order and anti-social behaviour prevention.”¹⁴⁶

121. Dr Angus Murdoch from the Travellers’ Advice Team at the Community Law Partnership stresses the need for local authorities to involve Gypsies and Travellers in policy formation alongside other community members:

“I think we should return to the issue of being proactive. As I say, we work nationally and we have worked with very many positive proactive local authorities, for example South Somerset, in the area where I live, who have invited Gypsies and Travellers into the policy formation stage, and not just Gypsies and Travellers but members of the National Farmers’ Union, police officers and all the other interested parties. I think it is only when you have proactive local authorities like that that real change occurs at local level.”¹⁴⁷

122. Some witnesses believe Gypsies and Travellers need a formalised taskforce or commission with powers to identify suitable land. It is argued by the Gypsy Council (Romani Kris) that such a group - comprised of ODPM officials, local authority representative groups and Gypsies/Travellers - would remove the “political heat” from individual ward councillors.¹⁴⁸ Many witnesses support formation of such a body:

NAGTO: “The present provision and location of sites urgently requires an overview from central Government and could be administered by a body consisting of both Gypsies and Travellers and local authority representatives to oversee the provision and location of possible accommodation. This overview would ensure that sites are correctly managed and located and also that Government funding is not wasted on mismanagement and inappropriate locations where Gypsy families would not wish to encamp.”¹⁴⁹

Angus Murdoch, Travellers’ Advice Team at the Community Law Partnership: “I think a task force is essential so that the views of Gypsies and Travellers and all the interested parties are addressed.”¹⁵⁰

Terry Holland, Gypsy Services Manager of Buckinghamshire County Council: “What we lack I suppose in the jargon word is joined-up thinking. We need a method of getting information on national, regional, county and district bases. Some elements of that are missing. One way of bringing it together would be through a central group. Our submission relates to that possibility. To get the accurate information I believe that we would need to work closely with the Gypsy and Traveller community rather than from outside the Gypsy and Traveller community looking in. It cannot be done on its own.”¹⁵¹

¹⁴⁶ Ev 85 [National Association of Local Councils]

¹⁴⁷ Q 205

¹⁴⁸ HC 63-iii, Ev 67, [Hughie Smith, President of the Gypsy Council (Romani Kris)]

¹⁴⁹ HC 63-III, Ev 79, [The National Association of Gypsy and Traveller Officers]

¹⁵⁰ Q 209

¹⁵¹ Q 218

Ken Livingstone, Mayor of London: “[...]. Needs assessment itself could be depoliticised as a process through the establishment of a national Task Force.”¹⁵²

Pat Niner is also supportive, although she believes the group should be more hands-off than the Gypsy Council (Romani Kris) would like:

“I think I take the view that such a group should have an advisory rather than an executive role. I think that an executive role would confuse things and potentially get in the way of local authorities, of regional housing boards, or whoever else is involved in it. What I would like to see is a group that really acts as a sounding board for government and local authorities on Gypsy and Traveller matters with a focus on accommodation but also including things like social inclusion, education and health, which are part and parcel with accommodation. I would like them to be able to say, “You are proposing this sort of legislation in this area. This will have these following implications for Gypsies and Travellers. Have you thought about issuing the guidance which would help people to negotiate those things? Can we suggest that the guidance should take these forms?” Maybe even have the right to commission pieces of research or guidance in those terms, to act, as I say, as a sounding board to make sure that it is properly incorporating the sorts of consultation that already takes place but in a more formal and a more overt and a more transparent way. In terms of who should be on it, I suppose it should be representatives of Gypsy and Traveller bodies, local authorities and central government but also potentially people like the CRE. I also think that it could probably be part of a virtual group rather than a group of people who sit round a table and actually meet face to face.”¹⁵³

123. There is a need for improved communication between the Gypsy/Traveller and settled communities. Politicians must play a lead role in furthering this communication. Politicians must also be prepared to take tough decisions to ensure they address the needs of all of those for whose welfare they are responsible. However, we recognise that this will not be easy, and may be more acceptable within a national framework of required provision. We welcome the idea of a Gypsy Taskforce to spearhead accommodation provision, and recommend that the Government takes immediate steps to create such a group. The first task of such a group should be to consider the re-introduction of a statutory duty to provide accommodation for Gypsies and Travellers. In response to this report we recommend the Office of the Deputy Prime Minister outlines proposed membership and terms of reference of this group.

¹⁵² HC 63-III, Ev 97 [Greater London Authority, Mayor’s Office]

¹⁵³ Q 174

9 A duty to provide?

124. A contributor to “The Provision and Condition of Local Authority Gypsy and Traveller sites in England” commented, “make site provision easier for elected members to support than object to”.¹⁵⁴ The most obvious way to do this is to re-introduce a statutory duty on local authorities to provide or enable the provision of Gypsy and Traveller sites; and to provide funding from Government towards provision. This is advocated by nearly all of the submissions we received:

Angus Murdoch, Travellers’ Advice Team, The Community Law Partnership: “The first thing that needs to happen is a return of the statutory duty to provide sites, together with a grant to create those sites. Without that, I think it is simply untenable to imagine that private provision is going to make good the substantial shortfall that has existed for many generations. I think there has to be a compulsion on local authorities to provide. If they are not compelled to provide they will not provide.”¹⁵⁵

Pat Weale, Gypsy Services Manager for Worcestershire County Council: “Without a statutory duty no local authority in this country is going to have the backbone to provide Gypsy sites in isolation, and I think that they would be very stupid to try and do so.”¹⁵⁶

George Summers, Gypsy and Traveller Service Manager for Hampshire County Council and Secretary of the National Association of Gypsy and Traveller Liaison Officers: “[...] unless we have a duty to provide sites it is very difficult to see how any local authority will provide residential sites. [...]. Without the duty, without being led centrally by Government, without a regional policy on the number of sites you need and where they should be located, and without a proper management structure this will never work. Unless the Government gets to grips with it and looks at it overall, which I am glad you are doing, then it will never happen.[...]. You need a national duty that says that local authorities have to provide because although authorities recognise that there is a shortage, to get it through the planning system and via the consultation process of local people there is no incentive for local authorities to take this on and try to find sites.”¹⁵⁷

Terry Holland, Gypsy Services Manager of Buckinghamshire County Council: “[...]. If you take a look at actually trying to find a place for a site the political problems in identifying it are horrendous at local and indeed at national level. The only justification that can be made which will satisfy the electorate is that we have to do it because we have got a statutory duty to do it. If that is not there then effectively the political cop-out is the easy way out and probably the best way out.”¹⁵⁸

¹⁵⁴ Centre for Urban and Regional Studies at the University of Birmingham, *The Provision and Condition of Local Authority Gypsy/Traveller Sites in England*, 2002, pg 51

¹⁵⁵ Q 209

¹⁵⁶ Q 233

¹⁵⁷ Q 236 and 237

¹⁵⁸ Q 237

Alistair McWhirter, Chief Constable of Suffolk and representative of the Association of Chief Police Officers: “What I can say is that when there was a statutory duty the problem was still there but it was less of a problem than perhaps we have now [...]. It [a statutory duty on local authorities] might help, yes.”¹⁵⁹

Sarah Spencer, Deputy Chair, Commission for Racial Equality: “I think the lack of sites is due to a combination of reasons. First of all, there are pressures on local authorities not to provide sites, pressure from public resistance to sites and the other usual pressures, for instance the lack of resources. That is coupled with the fact that they actually do not have a statutory duty to do so, and we think that the answer to this, first of all, has to lie in legislation with a statutory duty to assess the need, a duty to provide and facilitate sites [...].”¹⁶⁰

125. During the course of our inquiry the Traveller Law Reform Coalition and the Cottenham Residents Association issued a joint statement, which among other things, emphasised the need for the Government to reintroduce a statutory duty:

“[...] we join together in calling on the Government to consider the accommodation needs of the Gypsy and Traveller community. To assess their needs generally and to provide for them in the fair and equitable way that it does for the settled community. Central to such a plan, we believe, is the need for a statutory obligation to be placed on all local authorities to meet the accommodation needs of the Gypsy and Traveller communities in a way that will respect their traditional way of life. The provision of adequate sites both public and private, residential and transit, by all local authorities and to the exclusion of possible ‘honey-pot’ developments will, we believe, address the current acute shortage of sites and will also bring about an end to the illegal developments and unauthorised encampments which have resulted in the frustration of the settled community in the places where they have taken place.”¹⁶¹

126. John Treble, Vice-President and Vice-Chair of Somerset Association of Local Councils, told us that a duty would not just make it easier for politicians to support provision of sites, but would also act as re-assurance to members of the public that the sites were under control of the local authority:

“It is possible you underestimate the problem for the elected member at the local level and it will help him to discharge his job (a) if he can show there is a statutory duty and (b) that the site will be under some measure of public control because that is what worries people. They get permission to put this on and what happens next? We are all familiar with what developers do by getting in with an inch and then taking a mile. The local population is worried about that. They would be less worried if they knew they were dealing with sites that had been provided publicly - although they would not like the thought they would have to pay for it - and would be supervised.”¹⁶²

¹⁵⁹ Q 264-5

¹⁶⁰ Q 149

¹⁶¹ Joint statement

¹⁶² Q 305

127. However, many submissions have highlighted that when a statutory duty was last imposed on councils by the Caravan Sites Act 1968, it was not the panacea that had been hoped for. Local authorities had a duty to provide sites but many never did. The Gypsy Council (Romani Kris) argues that no Secretary of State was willing to enforce the Act:

“[...] successive Secretaries of State themselves failed in their own statutory duties under section 9 of the [Caravan Sites] Act to make directional orders against individual local authorities who – in their opinion – had either failed to provide the necessary accommodation or who were ‘dragging their feet’ so to speak, in so doing.”¹⁶³

Several other submissions of evidence also highlighted this issue:

Dr Colm Power: “The Act was deeply flawed on its demographic premise, the nature of the accommodation prescribed, the absence of a holistic approach, and at an operational level. With an unsatisfactory level of enforcement the Caravan Sites Act (1968) was interpreted as loosely or inadequately as was deemed appropriate according to the preoccupations and prejudices of particular local authorities.”¹⁶⁴

John Treble, Vice-President and Vice-Chair, Somerset Association of Local Councils: “[...] one must not be deceived into thinking that a statutory duty in itself achieves anything. There was a clear statutory duty in the 1968 Act and after 25 years of that Act only 35 per cent of the need had been catered for. The reason was that that statutory duty needed to be reinforced by ministerial direction and intervention, and a number of the ministers of the time - including Mr Ridley who spoke more clearly than many of them on this – were reluctant to intervene and exercise their power and as a result, despite the fact that there was a statutory duty, despite the fact that there was financial support from the Government (Exchequer support as well), most local authorities ignored their duty [...]”¹⁶⁵

128. However Mr Treble emphasises that other legislation, such as the Homelessness Act 2002, can be used to challenge local authorities who fail to make accommodation provision for Gypsies and Travellers:

“[...] if I may move to another hobby horse – they also have a statutory duty for dealing with these people as homeless under the Housing Regulations. The definition in the Housing Code is that if a person lives in a moveable structure and there is nowhere where he may legally place it and reside in it, he is, ipso facto, homeless.”¹⁶⁶

Lord Avebury agrees, his research revealed that of 152 local authorities studied, only 45 (30%) considered Travellers as part of their homelessness strategies.

129. Race Relations legislation – which requires local authorities to ensure the promotion of racial equality in the delivery of their services – could be used to tackle local authorities

¹⁶³ HC 63-iii, Ev 67, [Hughie Smith, President of the Gypsy Council (Romani Kris)]

¹⁶⁴ Dr Colm Power, *Room to Roam, England's Irish Travellers*, June 2004, pg 9

¹⁶⁵ Q 304

¹⁶⁶ Q 304

who fail to provide accommodation for Gypsies and Travellers, as the Commission for Racial Equality acknowledge:

“We are trying to resolve this by securing a planning and housing system that meets needs with a way of dealing with its strategically rather than through individual enforcement action, which is always a last resort but can nevertheless be what one has to fall back on if there is no other method of securing compliance. We would be more likely to do it using our own Race Relations legislation under the failure to comply with the duty to promote equality and good race relations, I think.”¹⁶⁷

130. Hughie Smith, President of the Gypsy Council (Romani Kris), believes that local authorities should provide for the accommodation needs of Gypsies and Travellers through mainstream accommodation policies:

“I do not think there needs to be a statutory responsibility. I think the district councils can take that onboard with the housing accommodation, like the settled communities. There is no reason for that. The worst thing that ever happened to us in this country was the Caravan Sites Act.”¹⁶⁸

As does Charles Smith of the Gypsy Council for Education, Culture, Welfare and Civil Rights:

“I think we need to stop calling it housing. We need to start looking at accommodation. That takes in everything. I mean, it is not only caravans, people live in boats and all sorts of things, so we should start talking about accommodation needs rather than just housing. Not everybody wants to live in a house or chooses to live in a house. If we started looking at a broader aspect of “accommodation for everybody”, and the so-called housing departments dealt with that, in a wider spectrum, we would start looking at everybody’s needs, instead of just bricks and mortar and a roof over your head. I think that is the problem, we have a closed mind to housing.”¹⁶⁹

131. The Centre for Urban and Regional Studies at the University of Birmingham suggest that this approach could be worth considering:

“Given the stability discovered on many residential [Gypsy and Traveller] sites, it seems entirely appropriate to see them as a form of specially adapted housing for Gypsies and other Travellers. This could help in three ways:

- In land use planning, allocating land for Gypsy/Traveller sites could be dealt with in the same way as housing with a mechanism designed to ensure adequate allocations nationally, regionally and locally.
- Gypsy/Traveller site provision (and management) could be explicitly considered within housing investment programmes and strategies.

¹⁶⁷ Q 304

¹⁶⁸ Q 103

¹⁶⁹ Q 60 [Charles Smith, Chair of the Gypsy Council for Education, Culture, Welfare and Civil Rights]

- Housing associations could become involved in site provision and management, and the Housing Corporation could provide social housing grant as for other general and special needs housing.”¹⁷⁰

Ken Livingstone is also in favour of mainstreaming accommodation for Gypsies and Travellers:

“The issue of site provision for Gypsies and Travellers is basically one of accommodation and should be addressed on a par with the housing of the rest of the population, on the basis of people’s rights and responsibilities. The provision of Travellers’ sites should be addressed as one aspect within mainstream housing needs assessment.”¹⁷¹

John Battle MP made this point in an adjournment debate, although suggested a statutory duty was also required :

“The Government have a responsibility not to push the problem on to local councils, which then push conflict into the surrounding neighbourhoods, while hoping that it is somehow magically resolved. We need to come up with a solution from which both Travellers and local residents benefit. We need to give Travellers accommodation, which means proper sites, with the same status as housing, so that it is assessed and delivered in the same way. That could be twin-tracked with a statutory duty to provide and facilitate more site provision. There should be a proper obligation on local authorities to provide and facilitate sites, and we should allow Housing Corporation money to be used for the purpose of constructing new sites [...]”¹⁷²

132. Yvette Cooper, Parliamentary Under-Secretary of State at the ODPM appears to be supportive of these proposals:

“We are keen for Gypsy and Traveller accommodation needs to be tackled alongside of everybody else. It should be part of mainstream consideration of accommodation and housing need in every local area. For the first time, therefore we expect local authorities to consider and tackle the need for accommodation for Gypsies and Travellers in their assessment of local accommodation needs. We shall issue revised guidance next year on how to do that. Housing and site need assessments will feed into the regional spatial strategies and the regional planning system. We are considering in more detail exactly how that should work and whether other measures are required to overcome some of the unnecessary barriers to site provision.”

As is the Rt. Hon Keith Hill, Minister of State for Housing and Planning, Office of the Deputy Prime Minister who has concerns about the re-introduction of a statutory duty:

¹⁷⁰ Centre for Urban and Regional Studies at the University of Birmingham, *The Provision and Condition of Local Authority Gypsy/Traveller Sites in England, 2002*, pg 52

¹⁷¹ HC 63-III, Ev 97 [Greater London Authority, Mayor’s Office]

¹⁷² HC deb, 19 May 2004, col 1070

“The Government is, of course, considering all options, including the introduction of the duty. However, I am very clear that a duty would have significant spending implications – that has already been referred to in this morning’s exchanges – which central Government would, as you know, have to fund under the new burdens policy. I am also conscious that a duty would put Gypsies and Travellers arguably in an advantageous position by comparison with other local residents with housing needs. On the whole I have to say that I am inclined to think that the introduction of the duty does not really sit comfortably with our policy of expanding areas of choice, discretion and decision making amongst local authorities. We have done some research into barriers to site provision and it appears that rather less than half local authorities see the absence of a duty as a barrier to site provision.”¹⁷³

The Local Government Association dispute Keith Hill’s research. In a supplementary note sent to the Committee, Councillor Susie Kemp of West Berkshire Council and Chairman of the Local Government Association Planning Executive told us:

“In Keith Hill’s oral submission to the Committee, he stated that research undertaken by ODPM indicates that “less than half local authorities see the absence of a duty as a barrier to site provision”. This is definitely not the message we are getting from local authorities. Indeed, we have held a number of consultation and roundtable meetings with authorities on this issue which have all repeatedly highlighted the need to re-instate the duty supported by a central subsidy. We believe this is fundamental to improving site provision in the longer-term by helping to tackle resistance from settled communities and to overcoming political barriers to provision. We will be asking ODPM to share further details about their “research” on this issue.”¹⁷⁴

Responsibility for Provision

133. Although in favour of a re-introduction of a duty, the Local Government Association do not believe the duty should be imposed on all local authorities:

“I think we make very clear in our evidence that it is not every council that will need to provide sites because clearly Travellers do not want to be in every part of our country. I think what we are saying is that collectively councils should now have a duty to provide Traveller sites and clearly we need to do that within a plan. One of the things we want to make sure is that we are working with Traveller groups to ensure that these sites are going to be used and we feel there is no point in providing sites if Gypsies and Travellers are not going to use them. I think that is why we feel it is quite important to have a plan, to have it done on a regional or national basis and to have councillors doing it collectively, but clearly the end game must be that these sites are used properly and legitimately as your previous speaker indicated. [...] Gypsies and Travellers do not want to be in every part of the country and there will be some councils that will provide sites and nobody will ever come. I think we are

¹⁷³ Q 321

¹⁷⁴ HC 63-III, Ev 115 [Local Government Association]

trying to be sensible about it and say that clearly there are areas in our country where Gypsies and Travellers want to be.”¹⁷⁵

Some evidence we received argued that a duty must be imposed on all local authorities to prevent the creation of “honeypots”. Lee Searles, Programme Manager for Planning and Transport at the Local Government Association, suggests that a duty should be imposed on every local authority, but within a regional framework to establish need and level of provision:

“Local authorities themselves brought this issue to the LGA and said that since the statutory duty was deleted they have found that it has not worked because many local authorities make the effort to plan and provide sites but unfortunately many do not. This has led to some authorities feeling that they have become a honey pot for Travellers whilst their neighbours have not made any provision at all. In debating this issue within the LGA and running a few round-tables with stakeholder groups, it was felt that a statutory duty needs to be reinstated but clearly – going back to the debate that led to the statutory duty being deleted in the first place – the requirement to provide a site in every single authority does not seem to make sense because what is needed is a more intelligent approach, one which actually knows what the flows of Gypsies and Travellers are through regions and through localities; ones which actually identify the overall aggregate need in terms of numbers. With the advent of the new Planning Act and regional spatial strategies we felt that there should be a statutory duty on every local authority but whether each local authority would need to provide it or not would be dependent on some kind of regional framework which set out the need and would then lead to a requirement for provision in identified locations. All that would be based on flows and on numbers.”¹⁷⁶

In South Dublin County, each ward is responsible for the provision of at least one Gypsy and Traveller site, thus spreading provision across the whole County.

134. We received mixed evidence as to whether a statutory duty should be imposed at county or district level in tiered authorities. Pat Weale, Gypsy Services Manager for Worcestershire County Council, argues it should be at county level:

“if you put it on districts you end up with district boundaries. No Traveller likes to be told they do not belong here and they cannot go on the waiting list because they are not from a certain district. That is what we found in the past. When the Act was repealed we found because we owned the land, that the district was charged with building and managing those sites. There was no incentive there to actually manage them properly or to work with people so if there was a problem some districts would just evict them on to the roadside and if there were rent arrears it did not matter because we picked up the deficit. On a county-wide basis we can utilise the sites across that county so that instead of leaving a site because you do not get on very well with your neighbours you can ask for a transfer and transfer immediately to another

¹⁷⁵ Q 290-1

¹⁷⁶ Q 292 [Lee Searles, Programme Manager for Planning and Transport at the Local Government Association]

site which is outside that particular district, so the management for the Gypsies is much better.”¹⁷⁷

George Summers, Gypsy and Traveller Service Manager for Hampshire County Council and Secretary of the National Association of Gypsy and Traveller Liaison Officers agrees:

“It is all a question of the management of resources. Generally at county level there are probably more resources, taking an overview of the county or taking a regional look really, because you need a spread of locations across a county. If you come down to the district level quite often they might have one site, possibly two sites, and they do not have the infrastructure management available to run the sites so that is probably why it is better having it at county level - there is a wider spread, you have economies of scale and people can take an overview of the county and locations.”¹⁷⁸

135. Michael Green, Policy and Parliamentary Affairs Manager for the National Association of Local Councils believes the principal planning authority should be responsible, although emphasises the need for cooperation:

“[...] it would seem to me that in terms of unitaries it is clear but in terms of where it is counties and districts whichever is the major planning authority with responsibility for good use of land perhaps they should take the responsibility. [...]. In an age where counties and districts and two-tiers are asked to justify themselves, perhaps a bit of cooperation between them on this issue would not go amiss.”¹⁷⁹

Terry Holland, Gypsy Services Manager of Buckinghamshire County Council, thinks that counties should have responsibility within a regional framework:

“The important thing is that there is at least regional planning which identifies what is needed where and splits it down between the counties and then if necessary between the counties and districts. However, it has to be done as part of a structured national and regional framework so the onus must come at least from the region and then work down. There is nothing stopping counties agreeing with the districts how the allocation should be made within that area any more than there is to stop the region agreeing with the counties.”¹⁸⁰

Given the indications from the Minister on the role of regional planning, this approach would seem to be the most logical suggestion.

136. Development of Gypsy and Traveller sites must be well-planned, as Sasha Barton, Senior Policy Officer for Gypsies and Travellers at the Commission for Racial Equality, explained:

“[...] one of the points that we make in the Republic of Ireland which has come out very clearly through their experience is that one of the problems in getting the Traveller accommodation programme working is that while Travellers are waiting to

¹⁷⁷ Q 242

¹⁷⁸ Q 242 [Michael Green, Policy and Parliamentary Affairs Manager for the National Association of Local Councils]

¹⁷⁹ Q 303-4

¹⁸⁰ Q 242

move on to sites which are being provided by the authorities, at the same time they are being evicted so the failure to link those powers of eviction to the provision is not meeting the need that the accommodation programme is intended to.”¹⁸¹

Grants

137. If a statutory duty is to be re-introduced, the Local Government Association highlight that grants will be needed to aid site development:

“We will hope and expect some grants, both capital grants and revenue grants to help fund. I must just come back and put the point of view that I experience at first hand from residents who pay their taxes – the gentleman speaking before was talking about Inland Revenue taxes and what have you – and we would also hope that there would be some revenue coming from the travelling community themselves through housing rents or however it is done. I think local authorities would find it very difficult to provide sites and a dedicated Travellers’ Liaison Officer – which again we support - without some funding coming from somewhere.”

138. In our report on the draft Housing Bill, published in July 2003, we recommended that within two years the Government should re-introduce a statutory duty on local authorities to make or facilitate provision of sites for Gypsies and Travellers. In their response in November 2003 the Government stated, “it is actively considering the most effective mechanism for the provision of such sites to ensure that the accommodation needs to travellers are met.” We are not satisfied that sufficient progress has been made by the Government since our report. There are a number of mechanisms that should have generated greater provision of sites, including the Gypsy Sites Refurbishment Grant programme. The data available suggests that over 3500 Gypsies and Travellers still have no legal place to stop and unauthorised encampments continue to cause disruption and frustration in many parts of the country. This situation is unlikely to change without some form of Government intervention. The evidence we have received points to the need for the Government to re-introduce a statutory requirement for local authorities to provide accommodation for Gypsies and Travellers resorting to or residing in their areas. There must be a national response with a duty imposed on all local authorities based on assessment of need at regional level to avoid a situation where some authorities meet the needs of all the Gypsy and Traveller community. The Government should establish a Gypsy and Traveller Taskforce to ensure site vacancies are co-ordinated across the region and throughout the country. The Minister has outlined his hopes that regional spatial strategies and regional plans will be used to assess and provide for the needs of the travelling community. We recommend he goes one step further and places a requirement on local authorities to meet that need. The Government must provide a statutory framework, political leadership and capital funding. We recommend that a capital grant is provided to ensure local authorities are able to develop new sites which are consistent with revised design guidelines. Local authorities who make adequate provision for Gypsies and Travellers in their areas should be rewarded with additional non ring-fenced funding. Consideration might also be given to encouraging motorway contractors and other employers of large groups of

¹⁸¹ Q 158



An illegal encampment on a roadside verge



A residential local authority Gypsy and Traveller Site



A caravan interior on an official Gypsy and Traveller Site



An amenity block and day-room on an official Traveller site in South Dublin County, Republic of Ireland



Appleby Horsefair 2004



Traditional caravans at Appleby Horsefair 2004



Washing of horses at Appleby Horsefair 2004



A Traveller site without a residential site manager in South Dublin County, Republic of Ireland

Gypsies and Travellers who may have land available, to provide additional sites for the duration of their employment.

10 The Gypsy Site Refurbishment Grant

139. In 2001 the Office of the Deputy Prime Minister launched the Gypsy Sites Refurbishment Grant, a challenge fund aimed at refurbishing and extending the network of local authority Gypsy sites in England. £17 million was made available to local authorities over the three year period between 2001-2004. A further £8 million has been made available for 2004/05.

140. From 2001 the grant was only available to fund refurbishment of existing provision of sites for Gypsies and Travellers. Local authorities could apply for 75% of the total costs of refurbishment, funding the remaining 25% themselves. Grants were awarded where refurbishment would significantly extend the useful life of an existing site; bring an unused or under-used site back into full use; improve the quality of life for the residents by modernising or improving sub-standard facilities; or provide new facilities. From 2003 the scheme was extended to allow local authorities to bid for 100% of the costs of developing new transit sites and emergency stopping places. The grant was awarded to local authorities where new sites would be likely to reduce nuisance or disorder arising from unauthorised encampments.

141. It is widely acknowledged that the grants have made a significant contribution to refurbishment of sites as Dr Kenrick told us:

“In some cases sites have been quite transformed. People have water for their own caravans instead of communal water. They have larger plots, which families need now because then the younger children can stay on a bit longer if you have a larger plot. People are happy on the whole with the way the refurbishment grants are being used. I think of Bexley, for example, great improvements.”¹⁸²

However, Dr Kenrick adds that an unfortunate side-effect of the modernisation of sites has been a reduction in the number of pitches available:

“The effect of the refurbishment grants has in many cases been to improve sites by making larger plots but cutting their number. [...]. “The current grant does not provide for new residential sites only for transit sites. Two transit sites were given financial help on the last round of bidding and none in so far this year.”¹⁸³

Dr Home is concerned by this development:

“There are some excellent sites and some of the refurbishments have been very well spent, but a number of these sites, [...] have reduced the numbers of pitches. Where have those people gone? They usually are pushed into council housing. I had a case where they were pushed into council housing, told it was only temporary, their caravan was put in store and then – surprise, surprise – it burned down while the local authority secured accommodation. They are now stuck in a council house

¹⁸² Q 30 [Dr Donald Kenrick]

¹⁸³ Ev 23-4 [Dr Donald Kenrick]

where they do not want to be and they cannot go back to the site because their pitch has gone.”¹⁸⁴

142. NAGTO believe that the grant should be extended to allow funding of all new sites, not just transit or emergency stopping places. They also believe that the application system should require assessment of the site management. There have recently been reports in the press that sites have been vandalised after refurbishment work has taken place. NAGTO believe that if grants were dependent on demonstration of appropriate management, the number of such incidences would be reduced:

“The existing funding arrangements should continue and the 100% grant be extended to include construction and improvement of new accommodation. For the grant of funding assistance, the location and more importantly, the management structure of the site should be centrally-approved. This to ensure the correct location is chosen with a robust management structure in place, capable of undertaking the full range of management duties to ensure the efficient running and maintenance of existing sites. The funding arrangements should also be extended to include additional accommodation on the sites more in keeping with modern expectations of the Gypsy and travelling community, particularly with regard to the health, welfare and safety of site residents. The whole process of grant aid should be monitored and supervised centrally, and inspections undertaken to ensure that grant aid is used as intended in the application. In the past, grant aid has been approved without inspection of sites to ensure that government funding is well-used and in appropriate ways.”¹⁸⁵

Ken Livingstone, Mayor of London calls for increased Government funding:

“I support the need for increased central Government funding, to supplement the existing funding stream for refurbishment of sites, with funding for the creation and management of new good quality sites, both residential and transit, the latter being particularly resource intensive to manage.”¹⁸⁶

143. The National Association of Gypsy and Traveller Officers believes that there needs to be greater certainty of funding provision:

“To ensure applications for provision the Government would also be required to indicate a long-term commitment to the grant aid process so that temporary and short-stay sites would receive specific grant apart from the temporary grant aid available for gypsy site refurbishment and temporary and permanent provision. This grant aid will be essential if the provision of temporary and short-stay sites is going to be taken seriously as an alternative to the increasing unauthorised encamping which is taking place in certain areas of the country.”¹⁸⁷

144. Pat Niner also suggests this in her report on “The Provision and Condition of local authority Gypsy/Traveller Sites in England”. She concludes that some form of financial

¹⁸⁴ Q 30 [Dr Home]

¹⁸⁵ HC 63-III, Ev 79, [National Association of Gypsy and Traveller Officers]

¹⁸⁶ HC 63-III, Ev 97, [Greater London Authority, Mayor's Office]

¹⁸⁷ HC 63-III, Ev 81, [National Association of Gypsy and Traveller Officers]

assistance will be needed on a continuing basis to maintain and retain sites because it is unlikely that income from rents alone will ever cover both day-to-day running costs and major repairs or up-grading. She is concerned that challenge funds, while widely used, introduce a lottery element into planning. She suggests: “A more assured and predictable means of providing funding might encourage authorities to plan better and really involve residents in the schemes without the fear that they may prove abortive”.¹⁸⁸ and suggests thought is given to extending the scheme beyond local authority sites: “At present the Gypsy Site Refurbishment Grant is only available for local authority sites. The trend towards privatising sites through sales or leases to registered social landlords or Gypsies/Travellers raises the question of longer term funding for site improvements and up-grading in the private sector”.¹⁸⁹

145. A recent article in *Housing Today* magazine also raises this issue.¹⁹⁰ Registered Social Landlords have permission to build and manage sites, but *Housing Today* suggests that RSLs may be unwilling to build their own sites because they are not eligible for ODPM refurbishment grants; and will be unable to raise sufficient revenue from rental income to pay for long-term maintenance.

146. In oral evidence the Rt. Hon Keith Hill, Minister of State for Housing and Planning, suggests the pattern of future funding is under review:

“We have had a funding stream in the past period which has been about both the refurbishment of existing sites and the provision of transit sites. Within the context of the spending review we will obviously want to look at future allocations.”¹⁹¹

147. The Gypsy Sites Refurbishment Grant scheme has improved the condition of many local authority Gypsy and Traveller sites in England, and we are pleased that ODPM has extended the scheme into 2004-5. One consequence of the modernisation of sites has been the reduction in the number of pitches available. Although we welcome the extension of the scheme to allow grant applications for development of new transit sites and emergency stopping places, there is still a need to allow applications for the development of new residential sites. If the Government does not re-introduce a statutory duty on local authorities to provide accommodation for Gypsies and Travellers, then we recommend the grant scheme should also be extended to include applications for the development of private sites, including those built by registered social landlords.

¹⁸⁸ Centre for Urban and Regional Studies at the University of Birmingham, *The Provision and Condition of Local Authority Gypsy/Traveller Sites in England*, 2002, pg 49

¹⁸⁹ Centre for Urban and Regional Studies at the University of Birmingham, *The Provision and Condition of Local Authority Gypsy/Traveller Sites in England*, 2002, pg 49

¹⁹⁰ *Housing Today*, 3 September 2004, p22

¹⁹¹ Q 356

11 Sites

Site Size

148. The Committee has heard differing views on site size; some witnesses have argued that the size doesn't matter as long as the site is effectively managed. However many more, including both residents groups and Gypsies and Travellers themselves, have argued that smaller sites are more manageable and integrate better with the local community:

Hughie Smith, President, The Gypsy Council (Romani Kris): "We have always advised local authorities that there should be a maximum of 15 families on a caravan site – it is much better for everybody concerned. What I should state here quite clearly is that we do not support multiple applications where 30 families perhaps buy a piece of land and try and develop it."¹⁹²

Cottenham Residents Association: "The 'Law' should adopt the actual beliefs of Travellers themselves that the size of a site should be proportionate to the local community; that the optimum size of a site is between 10 and 15 plots and never in excess of 20. Their rationale is based upon the belief that: proportionate balance gives stability to the community, reduces the risk of Traveller in-fighting, gives Travellers sufficient numbers to protect themselves against marauding bigots, and allows proper provision of services and policing if necessary."¹⁹³

The Traveller Law Reform Coalition: "The consensus of opinion is that some local authority sites have failed because they have been too large. Many believe that the ideal size for a site is one that can accommodate a large extended family, regarding local authority pitches the ideal size would be in the region of ten pitches."¹⁹⁴

Ian Cairns, Gypsy Liaison Officer, Somerset County Council: "It is my personal belief that smaller sites of six to eight pitches are the way forward."¹⁹⁵

149. Charles Smith of the Gypsy Council for Education, Culture, Welfare and Civil Rights argues that large sites develop because Gypsies and Travellers' accommodation needs have not been met:

"These large sites that people are complaining about are a direct result of government inaction to deal with the accommodation needs of Travellers. It is as simple as that. That is the answer. Deal with our accommodation needs and these sorts of things will not happen."¹⁹⁶

150. In the report "The Provision and Condition of Local Authority Gypsy/Traveller sites in England" Pat Niner outlines research which shows that population densities on Gypsy and Traveller sites are higher than average household size in the settled community:

¹⁹² Q194

¹⁹³ Ev 29 [Cottenham Residents Association]

¹⁹⁴ Ev 34 [Traveller Law Reform Coalition]

¹⁹⁵ Q 233

¹⁹⁶ Q 86

“Sites included in the management survey housed up to 183 people. Expressed as persons per pitch (the nearest approximation to household size possible) there was a range between 1 and 10.5 persons (an Inner London Borough). The median number of persons per occupied pitch was 3.13 persons, higher than the 1999 average household size among the English population as a whole of 2.36 persons. Child density on sites are often higher than is normal in the settled community (on almost two-thirds of sites children make up more than a third of the population).”¹⁹⁷

This means that even small sites can add considerably to the population of an area, with the resulting impact on services such as healthcare and education. With large numbers of children, Gypsies/Travellers told us that sites need to be able to expand as children get older:

“Parents of School Age children, the elderly, the disabled and those with bad hearts need and want permanent, preferably family sites, with room to add a few extra caravans when boys and girls grow old enough to need separate caravans or when they get married. Planning law should allow for this expansion”¹⁹⁸

“We have 121 pitches that are always full and we have 97 families on the waiting list with nowhere to go. Every day we are facing the situation where young people are growing up on site. I have worked in this area for 17 years and I was part of the original provision of sites under the 1968 Caravan Site Act and the children who were small then are growing up now and I am being forced to evict young people from the sites in Worcestershire because of the planning permission. Quite rightly, because of the fire hazard and health and safety, they cannot remain on parents’ plots so we are forcibly evicting people on to the roadside with nowhere to go and no further provision.”¹⁹⁹

But local residents argue that site numbers should be maximised:

“A maximisation of the site at Cottenham. That would be personal and the same might apply elsewhere in the country. There are now 37 lawful pitches as a consequence of appeal, we have got 18 more under appeal, 11 more planning applications in, and then possibly another 30 or 40. It would be nice to have the size of the site capped at, say, 40 and then we can all try and settle down with our new neighbours. It is as simple as that. Even when you have transit sites, I can only flag the warning because I heard the lady before talk in terms of allowing relatives to visit, et cetera, you have got to be careful about the unlawful assembly bit because when there are too many, it is a bit like having a football crowd, they run riot, even for a short period of time, and it can be terribly disruptive.”²⁰⁰

Gypsies and Travellers themselves suggest that site numbers need to be controlled because of health and safety risks, especially in the winter when families wish to cease travelling. They argue that provision of more sites would lead to reduced numbers on sites:

¹⁹⁷ Centre for Urban and Regional Studies at the University of Birmingham, *The Provision and Condition of Local Authority Gypsy/Traveller Sites in England*, 2002, pg 28

¹⁹⁸ HC 63-III, Ev 105, [Ann Dean]

¹⁹⁹ Q 233 [Pat Weale, Gypsy Services Manager for Worcestershire County Council]

²⁰⁰ Q 195 [Rick Bristow, Chairman, Cottenham Residents Association]

“[...] there is also concern in some areas that fire prevention regulations are not adhered to, this is a consequence of there not being enough sites passed and many sites let more on in the winter than they should do. We know this of concern to fire chiefs as we have been contacted by both residents and fire chiefs, worried that there may be a fire. All sites should come up to certain safety standards, we feel that some authorities turn a blind eye as they know that there are not sufficient pitches for families in winter time. These problems would again be rectified overnight with more sites being passed.”²⁰¹

151. The Minister of State for Housing and Planning, the Rt. Hon Keith Hill MP, appears to be in favour of smaller sites:

“[...] one of the things which has actually struck me as I have reflected on these matters is that the Gypsy and Traveller community itself seems not actually to be very enthusiastic about exceptionally large sites. On the whole they communities prefer to travel and to co-exist with people of what might be described as the extended family. I think part of the rationality that one would like to see prevail on this subject is to argue that you are not looking to the creation of Cottenhams; Cottenham is an expression of failure rather than success and therefore we do need to think on a relatively small scale in terms of encouraging local authorities to think about appropriate site provision.”²⁰²

As does John Stambollouian, Head of Planning Directorate Division, Office of the Deputy Prime Minister:

“There is a question about what the Gypsies and Travellers themselves prefer; there is also a question about proportionality with the facilities available in the communities alongside which these sites are located. I think we will be seeking to give guidance in the Circular but we do not want to hand down tablets of stone because one of the key conclusions of Pat Niner’s research was that the really important thing is that the Gypsy and Traveller groups themselves should be involved in this. In some cases larger sites may be appropriate but generally we accept what you say.”²⁰³

152. Most of the witnesses to this inquiry argued that smaller Gypsy and Traveller sites integrate better with the local settled community, and are easier to manage. In the Committee’s view permanent sites should have no more than 18 pitches. We therefore recommend that all sites should be small and not disproportionate to the size of the community in which they are placed. We suggest that when planning permission is given for a site, a cap should be placed on the number of people who are resident on the site, whilst allowing some flexibility for natural increase. The number of long-term visitors on a site should be controlled by planning powers and enforced by the site manager.

²⁰¹ HC 63-III, Ev 95 [The Derbyshire Gypsy Liaison Group]

²⁰² Q 373

²⁰³ Q 374

Site Locations

153. Many Gypsies and Travellers have complained to us that sites are poorly located, sometimes in dangerous places:

Tom Sweeney, Co-Chair of the Irish Traveller Movement Britain: “I have just spent three days with members of the Deputy Prime Ministers Office over in Ireland going through sites and I think you should know what was found as working there and what is not working. What is working over there are small sites. And they are not placed under flyovers or pylons, or beside sewers, canals or tips; they are placed on proper positioned land, bang within the middle of a settled community, and they are working.”²⁰⁴

The Traveller Law Reform Coalition: “We would make a strong plea for safeguards to be put in place to ensure that future site development is not located in polluted or hazardous locations, as we have already indicated that many sites are. Not only does this have a negative impact on Gypsies and Travellers health and access to services but it has a profound impact on how they feel they are perceived and treated by the wider community, likewise such locations reinforce the prejudiced perceptions that many in the settled community have of Gypsies and Travellers, such locations are therefore a major impediment to the social inclusion of Gypsies and Travellers.”²⁰⁵

Dr Home: “In the early days, after 1968, councils put these sites as far away as they could from the centre. They are on the border with the next county. You sometimes find two sites in two districts just facing each other over the border. They wanted to get them out of the way. I think some of the sites need to be relocated.”²⁰⁶

154. The report “The Provision and Condition of Local Authority Gypsy/Traveller Sites in England” estimates that 70% of sites included in their 2002 survey were located in “marginal space”. Over 50% were located near polluted, hazardous or other undesirable space where housing development would never be considered. The most common source of problems was motorways or major roads (26% of sites), followed by railways (13%); rubbish tips (12%); industrial or commercial activity (8%) and sewage works (3%). This offers some support for the view that Gypsy/Traveller sites are more likely than permanent housing to be located near to unpleasant landuses or activities.

155. Several Gypsy and Traveller Liaison Officers told us that sites in poor locations often dated back to the requirement for local authorities to provide sites under the 1968 Act. Local authorities had to find land for sites quickly and frequently chose locations where the site would be subject to less controversy because it was marginal land, such as alongside a railway, a rubbish dump or under an electricity pylon. Terry Holland, Gypsy Services Manager of Buckinghamshire County Council explained that such locations would not be permitted today:

“Certainly the ones built at the start of the Caravan Sites Act legislation tended to be poor quality because those authorities that wanted to follow up that legislation

²⁰⁴ Q 84

²⁰⁵ Ev 34 [Traveller Law Reform Coalition]

²⁰⁶ Q 23 [Dr Robert Home]

wanted to find sites quickly and ideally those which were not fought tooth and nail by the general public. So, in all honesty, you put them in a place where nobody else would live because there is not going to be a lot of objection to that and if you cannot find a site like that you put it on the edge of the boundary so at least it affects somebody else half the time. There is a history of that over most of the first sites that were provided. I think that people have realised very much now that that was probably wrong but we are still living with the legacy of that. To some extent this is one of the problems we talked about earlier. This is one of the reasons why, certainly in my case, the costs of managing sites are greatly higher than they are on comparable ones because they are happening in places that mains drainage cannot reach or people build motorways. I do not think it is true now. I think there has been a realisation that Gypsies and Travellers are human beings with the same demands and same needs as everybody else and, in fact, in one or two cases there have actually been authorities that may go out of their way, for example by allowing Gypsies to build at an area of higher ambient noise level than, say, you or I.”²⁰⁷

George Summers, Gypsy and Traveller Service Manager for Hampshire County Council and Secretary of the National Association of Gypsy and Traveller Liaison Officers, added that Gypsies and Travellers need to be consulted about the location of a site:

“It is the location of the sites, which goes back to your previous question, which will determine that and you need to talk to the Gypsies and Travellers about where they want the sites. There is no point in spending vast amounts of money on a site and nobody wants it there. That has been the problem in the past. Local authorities have come up with ideas for sites, normally on tips and under pylons because that is the only available piece of land and they will say, “We will put it here and that will discharge our duty”, when did have a duty. We cannot really do that. We need to find out via the count and the travel patterns where people want to live and build sites appropriate to their needs where they want them as much as we can. Then once they are built we need to have an overview of it to ensure that the standards are maintained all the time. In the past central government has shelled out millions and millions of pounds to build sites and never once come down and checked up on the sites to make sure they are built properly or if they are being managed properly. That is a waste of money. We do not have that and that is what we need.”²⁰⁸

156. Gypsies and Travellers want to be integrated into the local community, but argue that marginal site locations make this difficult. “The Provision and Location of Local Authority Gypsy/Traveller sites in England” estimates that 68% of sites are more than 1 kilometre from a primary school and 55% are more than 1km from a post office. Over a third (38%) are over 1km from public transport. The National Association of Teachers of Travellers also make this point:

²⁰⁷ Q 249

²⁰⁸ Q 250

“From a Traveller education perspective, the current provision and location of sites/accommodation is woefully inadequate and works against access to public services and education, and against social inclusion.”²⁰⁹

The National Association of Gypsy and Traveller officers argues that:

“Gypsy and Traveller families often wish to have small compact and well-managed sites located in areas where they have historically resided and have a network of local family support. Local authorities have in the past tended to provide accommodation in inappropriate areas and the sites have therefore not always been used to their full potential. As with the settled community, Gypsy families prefer clean well-managed sites where there is no fear of retribution from problem families and they can enjoy a peaceful coexistence. [...]. Caution should be used when seeking locations for sites to ensure that they are based on need in a particular area and not the availability of inappropriate land for alternative uses. Traditionally, Gypsy sites have been located on land which is inappropriate for alternative uses and this, in itself, has caused problems both for the Gypsy community and for Site Managers.”²¹⁰

157. The locations of many existing Gypsy and Traveller sites are poor in respect of isolation from services and/or proximity to noisy or polluting land uses. It is important to remember that Gypsy and Traveller sites are residential. We recommend they should be located only in areas considered appropriate for general residential use. Sites should be within realistic access of services and allow interaction between the Gypsy and Traveller and settled communities.

Site Design and Facilities

158. The Traveller Law Reform Coalition are critical of the design and facilities on many sites:

“Local authority sites are often provided, designed and managed with the control and containment of the residents as the aim – there appears to be no commitment to providing safe and healthy places for families to live or to ensuring the appropriate provision of services to families who live on the sites.”²¹¹

They add:

“Facilities on transit sites are especially poor, sometimes only a tap for running water is provided. Dangerous conditions on unauthorised sites and lack of basic services such as water and sanitation are a major cause of concern.”²¹²

159. Cliff Codona, Chair of the National Travellers’ Action Group, believes that disability discrimination legislation is contravened by many sites which fail to cater for the disabled:

²⁰⁹ HC 63-III, Ev 93, [National Association of Traveller Teachers]

²¹⁰ HC 63-III, Ev 79, [National Association of Gypsy and Traveller Officers]

²¹¹ Ev 42 [Traveller Law Reform Coalition]

²¹² Ev 42 [Traveller Law Reform Coalition]

“There is something else I am desperate to say as well, about disability. On our authority sites in this country – and I travel all over the country – there are no disabled facilities on any authority site in this whole country. No more sites should ever be allowed to be built again unless they have adequate disabled facilities. There are many, many elderly people with hip problems who cannot walk, with arthritis, with heart problems - with many, many disabilities in our community – and they are just not on these sites and something has to be done about it.”²¹³

160. The National Association of Gypsy and Traveller Officers calls for more Government advice on the design of Gypsy and Traveller sites. They comment:

“There is an urgent requirement for guidance on site characteristics from central government on the layout, spacing and amenity block requirements of a standard site. These should include a dayroom and kitchen facilities which are required by the modern Gypsy Traveller. The majority of well-managed permanent sites have developed from the basic requirements and guidance issued in the Model Standards (1989). The Model Standards relate to permanent residential mobile home sites and there has been no guidance on Gypsy caravan sites for over 20 years. If the Government is serious in its intention to investigate accommodation for Gypsy Travellers, then there is a requirement to ensure the standard of accommodation available is attractive to the needs of the travelling community. Site characteristics will vary with accommodation provided and permanent accommodation should include the provision not only of toilets and washing facilities, but additionally a day room/kitchen area so that families may enjoy a more settled existence.

There is also a requirement to ensure that private and work vehicles used by the travelling community can be accommodated on site, and that sites have fire fighting equipment and are compliant with modern health & safety legislation. Sites should be viewed as a provision of accommodation to enable families to settle if they wish rather than just a place that families go for a temporary period.

Transit sites or short stay accommodation will obviously require a lesser degree of infrastructure, but nevertheless, require the basics of waste disposal, toilet requirements and water. There will also be a requirement for hardstanding on temporary sites. The facilities required should be stated in Government guidance and grant aid should be provided on condition that a certain standard of facilities is provided.”²¹⁴

Pat Niner agrees:

“In terms of should the design guide be revised, then yes I think it should. It is 25 years since the last one was produced for Gypsy sites. An awful lot has happened in that period. Settled community space standards have changed, expectations of space standards have changed and I think that is equally true of Gypsies and Travellers. That would affect the greater likelihood of now having a mobile home to be accommodated on the pitch, more vehicles, larger vehicles, and just a desire to have

²¹³ Q 57

²¹⁴ HC 63-III, Ev 79, [National Association of Gypsy and Traveller Officers]

more space on the plot. Also the design of some of the amenity units on sites is now extremely mean and there is virtually no space - a shower and a WC and that is it - and I think that again space expectations should be reflected in revised guidance on the sort of size of living space that might be provided within an amenity unit as a norm. If we are ever going down the route of again having some sort of grant funding for residential sites, then some sort of design standards would seem to be essential as a basis for that to know what sort of projects would be appropriate.”²¹⁵

161. In oral evidence, officials from the Office of the Deputy Prime Minister told us that they planned to update the design guide:

“It is woefully out of date and is quite inadequate. We now have a great deal of experience under our belt through the Gypsy sites refurbishment grant. We have a lot of good practice evidence to draw on and also the Irish Government has produced an excellent design guide from which we will be borrowing heavily.”²¹⁶

Other research highlights the following as important:

- Involvement of Gypsies and other Travellers as potential users in site design.
- Limitation of site size to between 12 and 20 pitches.
- Generous pitch sizes to allow families to have several trailers and use the pitch flexibly. Larger pitches mean that family visitors can stay with trailers for short periods, thus easing transit accommodation needs.
- Larger amenity blocks, with day rooms.
- Appropriate site layouts which give residents privacy, but also generate a feeling of community. Children’s play space should be centrally located where it can be overlooked by parents and residents for security.
- Better site environments, and boundary and surface treatments which feel less like a prison camp and more like a normal residential area.

162. In oral evidence Gypsies and Travellers described the type of facilities they wanted on sites. However Charles Smith of the Gypsy Council for Education, Culture, Welfare and Civil Rights concluded the discussion:

“I think to some extent we are missing the point really, because we are asking for the same facilities as people have in houses.”

This view echoed that of the Traveller Law Reform Coalition who told us that:

“Standards of management and maintenance should be set and monitored in the same way as the central government initiative in housing ‘A Decent Home For All’ (this does not currently include Gypsy and Travellers sites)”²¹⁷

²¹⁵ Q 169 [Pat Niner, Senior Lecturer in the Centre for Urban and Regional Studies at the University of Birmingham and Gypsy and Traveller researcher]

²¹⁶ Q 346

²¹⁷ Ev 34 [Traveller Law Reform Coalition]

163. The current guidelines relating to site design and standards urgently need updating in the light of modern space standards and services, health and safety provisions and requirements for catering for disability. Guidance should cover both residential sites and transit sites and stopping places. We are pleased that the Government has recognised the need for swift action on this issue. Given the amount of research and literature already available, not least the Republic of Ireland's design guide, we recommend that the Government publish a draft revised guide for consultation along with the response to this report.

12 Site Licence Fees

164. Licence fees for pitches on local authority residential sites vary widely, from £17.60 to £75.48 for single pitches, and from £19.60 to £86.10 for double pitches.²¹⁸ The average pitch rental is therefore £47.85 a week, the average social housing rent is £50 a week. In addition to rent, Gypsies and Travellers usually have to pay water and electricity charges, and sometimes sewage disposal charges and a damage deposit. Many Gypsies and Travellers believe they receive poor value for money, and pay higher charges for electricity than the settled community. On our visit to Hampshire we were told that electricity and water companies will not accept Gypsies and travellers on caravan sites as individual customers. Instead the local authority as the site owner acts as the customer, and the electricity is recharged to the residents through electricity meters. Some are unhappy about this:

“There is concern by some residents on sites regarding the cost of electricity as some landlords add more money to the actual cost.”²¹⁹

The resale of electricity is however strictly regulated and cannot be artificially inflated.

165. Some Gypsies and Travellers are housing benefit recipients. The administration of housing benefit is undertaken locally in the district where the caravan site is located. County councils do not administer housing benefit and are therefore dependent on the district authorities to administer the benefit.²²⁰ Under the Rent Officers (Housing Benefit Functions) Order 1997, the housing benefit payable to Gypsies or Travellers on sites owned by County Councils is limited to an amount (the local reference rent) determined by a formula in the Order (the mean of the highest and lowest rents charged in the locality for occupation of a pitch in a caravan site after excluding any rents which in the judgement of the rent officer are “exceptionally high” Or “exceptionally low”).²²¹ The resulting figure is the maximum amount of housing benefit available. A local authority (district, borough or unitary) does not have to refer themselves to a local reference rent whereas a county council, which is not recognised as a local authority under the Social Services Administration Act 1992, does.

166. The National Association of Gypsy and Traveller Officers has identified sites with local reference rates as low as £19/week, and others where the reference rate is £38/week. They conducted a survey which suggested that average local reference rate is between £24-£28/week whereas the average site rent is between £35-£45/week. This difference between the local reference rent and the site rent must be paid by the resident although many are unable to pay. Lord Avebury told us that “the consequence is either that the Gypsy residents build up large arrears of rent, or that the County Council landlords have to write off the difference, so that less money is available to spend on maintenance or improvement

²¹⁸ The Centre for Urban and Regional Studies at the University of Birmingham, *The Provision and Condition of Local Authority Gypsy/Traveller Sites in England*, 2002 , pg 36

²¹⁹ HC 63-III, Ev 95, [Derbyshire Gypsy Liaison Group]

²²⁰ HC 63-III, Ev 83, [National Association of Gypsy and Traveller Officers]

²²¹ HC 63-III, Ev 100, [Lord Eric Avebury]

of the sites”,²²² NAGTO argue that “The disparity in the payments often forces families to leave sites and return to travelling due to an inability to fund their accommodation”.²²³

167. The situation causes difficulty for County Councils, as we were told in evidence:

“Our biggest problem in managing sites is the intervention of the Rents Service where simply because we are a county council, for some undetermined reason, our sites are classed as private land and as such the Rents Service set an artificial benefit level. If you are a Gypsy living on a district council site then you will get your full benefit paid. If you are a Gypsy living in housing you will get your full benefit paid. If you are a Gypsy on unitary authority land you will get your full benefit paid. If you are on a county council site you will get this artificial level and in Somerset it is £26 a week for a family, in Kent it is £22.50 and councils are forced then to help the Gypsies themselves to either run the site at a deficit or the Gypsies themselves are forced into hardship. [...]I contacted the Rents Service in the region and at national level and the only reason I was given why county council sites were treated as private property was that it was an unintended consequence of the regulations. When I actually tried to get into this they told me about the formula. The formula to decide the local reference rent is left to an individual rent officer and he will go and find the lowest rent in the area of a site. This need not be a site with planning permission, it need not be a Gypsy site so they are not comparing like with like. He will find that and then he will decide himself what is the highest economic rent for the area. In Somerset he decided that was £40 so he found somewhere at £20 or less than that. Then you put the low figure, add it to the high figure and divide it by two, and this is the artificial low reference rent. In Somerset if you say he set us at £26, so that is £52, £40 is the highest, so he has found somewhere at £12. That could be a farmer’s field with a stand pipe. Plus the fact when you go and ask him “Fine, can you tell you the addresses of these places so that our clients can go there?” “Terribly sorry, it is data protected and it is business sensitive.” We said, “How many Gypsy sites are included in the calculation?” “None.” Gypsies are not excluded, they are just not included because Gypsy sites are deemed to be benefits led so they are not included in the calculation.”²²⁴

“The revenue budget for Gypsies and Travellers has one source of income, site rents. As a county council the housing benefits are controlled by the Rent Service, which severely restricts benefits paid to claimants who reside on county council owned sites. At the present time site rents on Somerset county council sites are set at £7 per night per family, the Rent Service sets Housing Benefit at £3.70 per night – or £26.00 per week per family. It is therefore evident that the revenue budget must be subsidised by the local council taxpayer. Since the removal of duty upon local authorities to provide accommodation for Gypsies and the reorganisation of local government the duty to provide accommodation rests with a unitary authority or a district council. County councils provide over 40% of Gypsy accommodation in the Public Sector and are requested by central government to continue with this

²²² HC 63-III, Ev 100 [Lord Avebury]

²²³ HC 63-III, Ev 83 [National Association of Gypsy and Traveller Officers]

²²⁴ Q230 and 251 [Ian Cairns, Gypsy Liaison Officer, Somerset County Council]

provision yet legislation operated by the Rent Service make it impossible for county council's to recover rents which permit them to meet their obligations to their clients, maintain their stock and continue to function as a financially self financing operation.”²²⁵

“We would also like to draw attention to the need for a rent setting system for public sites. Currently, in two tier authorities responsibilities for housing delivery rest with district councils rather than county councils. While many county councils are proactive in providing sites they are not eligible under current legislation to receive full housing benefit for Gypsies and Travellers residing on their sites and have also reported massive cuts in rent levels set by Rent Officers in their areas. Some county councils have indicated that this makes the provision of sites in their localities economically unviable and affects their ability to plough back money into sustaining and improving provision and services for Travelling Communities. The LGA advocates the need for a rent-setting system for all public sites, to end the need for Rent Officer references and to address the issue of housing benefit shortfall. Unless these issues are addressed the Government's objective of improving site provision at a national level could be seriously undermined.”²²⁶

“County councils are aware that in order to manage sites for Gypsy families they should endeavour to manage sites so that the sites are self-funding, however, with insufficient funding that is received from housing benefit it is proving difficult to manage sites in a cost-effective manner. Residents faced with the disproportionate payment of housing benefit are either forced into housing or on the road and the county councils have to continue to fund the gap in the payments. County councils are faced with the dilemma of receiving insufficient funding for sites from the housing benefit system often have no alternative other than to seek closure and further exacerbate the shortfall in provision for Gypsy site accommodation across the country.”²²⁷

168. NAGTO told us of the effect of local reference rents:

“There are different levels of benefit paid to members of the same family groups resident on the same site. This clearly is unacceptable with the same facilities and same outgoings of the same family groups. Even within the same families different levels of benefit are paid to different members. There is animosity directed towards county councils by the Gypsies residing on sites when they are aware that other family members residing on local authority sites are receiving full benefits and therefore have less expenditure. There is a disparity of rents charged by district councils who are aware that they may collect the full housing benefit and therefore have more revenue to maintain the sites and ensure that the families on the sites are not asked for an exorbitant contribution to the licence fee.”²²⁸

²²⁵ Ev 24 [Somerset County Council]

²²⁶ Ev 94 [LGA]

²²⁷ HC 63-III, Ev 83, [National Association of Gypsy and Traveller Officers]

²²⁸ HC 63-III, Ev 83, [National Association of Gypsy and Traveller Officers]

169. The Gypsy Council (Romani Kris) are also critical of the rent service, arguing that private site providers are unable to accept families dependent on housing benefit because of the arbitrary benefit levels:

“[...] the question must therefore be asked why it is that the Rent Service (who, under existing Housing benefit Regulations must be called in to assess an appropriate fair rent for privately-operated caravan sites) appear to consider (at east in England) the figure of £25.00 an appropriate level of Housing benefit to be allowed on non-local authority operated Gypsy sites? Quite apart from placing families [...] into a position of serious hardship, this arbitrary but apparently nationally-decided allowance has had the effect of causing operators of privately-provided but commercially-operated Gypsy sites to refuse all applications for pitches from families who are forced to rely on Housing Benefit in order to meet their weekly rents, which has in turn deprived more needy member of our community the opportunity of securing decent and above all, legal accommodation.”²²⁹

170. We explored this situation with the Minister, the Rt. Hon Keith Hill MP, in oral evidence. One of his officials told us:

“The responsibility for this lies with the Department for Work and Pensions and they know there is a problem. They have been lobbied quite successfully by councils and they are undertaking research into the scope of the problem and I think – although I would not want to speak for them – they are seeking to identify what solutions they can offer. [...]. I do not know about the timescale.”²³⁰

The Minister promised to send us a note on the subject. The note explained that:

“We [the Department of Work and Pensions] have come under increasing pressure to address the issue of the anomaly in treatment of Gypsy and Traveller sites. In order to work up a set of proposals we need relevant information. However data is not currently available on site rent levels throughout the country, nor do we know how site rents are made up. We have recently commissioned a research project to look at how the current arrangements are working and consider the feasibility of a single set of housing benefit controls to apply to all Gypsy sites. We aim to get this project up and running later this month [September 2004], and expect it to be reporting next spring. [...].²³¹ Whilst any change to the housing benefit rules should clearly deliver appropriate expenditure controls, we are aware of the fact that they should not undermine the wider Government policy to provide incentives for Gypsies to use authorised sites.”²³²

171. Whilst the decision of the Department of Work and Pensions to set up a research project is a positive step forward, the length of time it has taken to reach this stage is unacceptable. Lord Eric Avebury wrote to the then Minister at the Department of Social Security, Angela Eagle MP, on February 20, 2001. Her successor Malcolm Wicks MP wrote

²²⁹ HC 63-III, Ev 67, [Hughie Smith, President of the Gypsy Council (Romani Kris)]

²³⁰ Ev 81 [Cottenham Parish Council]

²³¹ In a written answer to a Parliamentary question on 25 October 2004, Chris Pond MP, Secretary of State for Work and Pensions, commented that the project would now report in summer 2005.

²³² HC 63-III, Ev 107, [Department for Work and Pensions]

back on June 20, 2001. In a subsequent letter of July 24, 2001 he acknowledged the anomaly and said that the rent service would be “carrying out an internal review of current rent officer practices to ensure that a consistent approach is being adopted towards Agency policy and DWP legislative requirements”.²³³ On September 22, 2002, Malcolm Wicks MP said that:

“[...] officials are currently looking at an option to change the way that rent officers determine local reference rents for those on Gypsy sites to take account of the fact that such sites tend to incur higher maintenance and management costs. In doing so, we also need to ensure that the current anomaly, whereby district and county council sites are treated differently for Housing Benefit purposes, is addressed.”²³⁴

Further letters were exchanged between Lord Avebury and the Department of Work and Pensions and on November 11, 2003, Chris Pond MP wrote that while he “very much regret[s] the difficulties that the delay in addressing the issue] is causing to both tenants of county councils and to the county councils themselves, unfortunately, pressures elsewhere continue to mean that we have not been able to progress the work as quickly as we would have liked”.²³⁵

172. Lord Avebury told us:

“It seems incomprehensible that the DWP should be going to such lengths, and taking four years to reach a solution to make sure that local authorities do not cheat the benefit system. Of course, local authorities which operate Gypsy sites should not charge more than is necessary to cover their costs, and for the avoidance of doubt it would be desirable to issue guidance on what may be included in the costs to cover the overheads as well as direct operating costs. This would eliminate the need for bringing the apparatus of rent officers to bear with the imposition of reference rents on all local authorities running Gypsy sites. But if they did charge more than was necessary to cover their costs, the surplus would be used in long-term maintenance of sites and would thus reduce the necessity for the authorities concerned to rely on the ODPM’s refurbishment grant, so that no net increase in public spending would arise. It is suggested that guidance would be a sufficient check on the charges made on all local authority Gyps sites, which have never been said to be excessive in the past. In the meanwhile, letting this matter drift has meant that all the while, county councils are being deprived of income which could and would have been applied for the benefit of the Gypsy and Traveller communities. If district and unitary authorities are now to be treated in the same way, their income too is certain to be reduced, and no public purpose is served by the extra bureaucracy. Mr Chris Pond MP argues (letter of December 8, 2003) that it has never been considered reasonable for central Government to simply reimburse local authority’s expenditure without some form of check on the amount being spent, but for the last seven years, this has

²³³ HC 63-III, Ev 100 [Lord Avebury]

²³⁴ HC 63-III, Ev 100 [Lord Avebury]

²³⁵ HC 63-III, Ev 100 [Lord Avebury]

been the case on district and unitary authority sites without any evidence that public funds have been wasted or mis-spent.”²³⁶

The National Association of Gypsy and Traveller Officers suggest the anomaly could easily be solved:

“In the Social Security Administration Act 1992, an amendment may be introduced to redefine ‘local authority’ to include county councils. This redefinition would enable Gypsies residing on county council sites to qualify for housing rebate, which would remove the requirement for a rent service determination and ensure a level playing field across the whole of the Gypsy site accommodation.”²³⁷

They warn:

“At a time when the Gypsy and traveller population is increasing and available provision is decreasing, it would appear that to place these unfair barriers against equality of determination causes hardship on this ethnic minority. In some quarters the fact that the settled community are entitled to housing benefit based on an assessment undertaken by district councils seems to penalise the travelling community and the provision of Gypsy sites by county councils.”²³⁸

173. Many residents on Gypsy and Traveller sites are in receipt of housing benefit. On county council sites the rent service sets the level of benefit provided. We have received evidence from many groups that the levels set are lower than the rents charged because of the system the rent service uses to assess comparative local rents. Site residents are themselves responsible for paying the difference although we have been told many are unable to meet the extra costs and may be forced back onto the road unless the debt is erased. The county council are then left to absorb the rent arrears and other charges. This situation is at odds with Government policy which seeks to move Gypsies and Travellers off the roadside onto approved sites. The Government have been aware of this anomaly since 2001. We are shocked by the procrastination and lack of co-ordination between Government departments over this issue. The Department for Work and Pensions has now set up a research group, expected to report in summer 2005 to “consider the feasibility of a single set of Housing benefit controls to apply to all Gypsy sites”. This is unacceptable. The issues are well known; the National Association of Gypsy and Traveller Officers has already undertaken a research project examining site rents and has proposed a series of recommendations to address the current anomalies. Lord Avebury has also conducted extensive work on this issue and is well placed to offer advice. In the response to this report the Government must respond to the recommendations made by the National Association of Gypsy and Traveller Officers and Lord Avebury. They must also explain why it has taken so long to tackle this issue, and why it is necessary to conduct additional research. Finally, they must outline a timeline of action, including proposed amendments to current legislation.

²³⁶ HC 63-III, Ev 100 [Lord Avebury]

²³⁷ HC 63-III, Ev 83, [National Association of Gypsy and Traveller Officers]

²³⁸ HC 63-III, Ev 83, [National Association of Gypsy and Traveller Officers]

13 Security of Tenure

174. Gypsy and Traveller site pitches are let on a licence rather than a tenancy. This in itself is contentious with Gypsies and other Travellers and their supporters. As licensees, site residents enjoy less security and fewer rights than council tenants. At best, site licensees have security of tenure granted by the Caravan Sites Act 1968 which gives basic protection from eviction without 28 days notice. If appropriate notice is given, a court must grant possession which may legally be sought without any specific grounds.²³⁹ One of the most repeated themes in the evidence from Gypsies and Travellers was concern about security of tenure. Tom Sweeney, Co-Chair of the Irish Traveller Movement Britain told us:

“Travellers and Gypsies do not have the same security of tenure as house dwellers. They are not included in current housing legislation, and site residents have a license agreement rather than a tenancy. On some sites licensees are given as little as 28 days (notice to leave the site), on the Westaway site in Kensington where I live, my license states that I can be given as little as 7 days notice. My license states that my caravan must be in working order and towable. This creates for me and my family a real lack of ownership in our site, we feel like we are under continual probation. Our home does not feel like a home. I have lived on my site for fourteen years and have been engaged in a whole range of charity and community work with bodies like the catholic Children’s Society. I have put something into the community but what has the community given Travellers like me in return?”²⁴⁰

Security of tenancy on Gypsy and Traveller sites has been considered in several court cases. Most recently, on 27 May 2004, the European Court of Human Rights found against the UK in *Connors v UK*. In oral evidence the department told us they are considering their response:

“You will know that the European Parliament found against us in *Connors versus UK* on security of tenure issues. The current security of tenure on Gypsy and Traveller sites is not comparable with security of tenure in social housing and it is not comparable with security of tenure on park homes. We are considering our options. I have alluded to the two main options that there might be and we need to respond to the European Committee and let them know the direction that we wish to take. We have a six month deadline in which to respond to the Committee.”²⁴¹

175. Chris Johnson of the Traveller’s Advice team at the Community Law Partnership submitted evidence criticising the decision by the department to refer the matter to the Law Commission:

“Passing this matter to the Law Commission will only (and unnecessarily) increase pressure on local authorities (and public finance in general). The (responsible) housing lawyer’s response to a Gypsy or Traveller client who is (post May 27th) facing

²³⁹ Centre for Urban and Regional Studies at the University of Birmingham, *The Provision and Condition of Local Authority Gypsy/Traveller Sites in England*, 2002, pg 26

²⁴⁰ Letter to Select Committee (not printed)

²⁴¹ Q 378-9

eviction from an official local authority site will be, if the local authority do not hold back from court action, in almost all cases, the lodgement of an immediate Judicial review application. [...]. Such actions will inevitably threaten to grind to a halt local authority management procedures on official sites. I suggest that this is to the benefit of no one.”²⁴²

However some argue that site managers must have the power to evict Gypsies and Travellers quickly if conflicts develop between family groups. Hughie Smith, President of the Gypsy Council (Romani Kris) argues:

“[...] if on the other hand an encampment has led to demonstrable complaints about theft, vandalism, fly-tipping, or other forms of anti-social behaviour then an eviction would – in my opinion- be justified. However, even in these circumstances I would advise caution in that evidence would need to be obtained prior to a local authority acting and that evictions should not simply take place on the complaint of someone who may him/herself be biased against Gypsies.”²⁴³

176. Gypsies and Travellers are keen to secure better security of tenure, which would mean they would be given longer notice periods if asked to leave a site. A recent European Court ruling suggests Gypsies and Travellers on local authority sites will gain greater security of tenancy. We recognise that many Gypsies and Travellers may have been resident on permanent sites for long periods, and accept that minimal notice periods are unjust. However, managers of sites must be able to move people on quickly if conflicts emerge. We are concerned that the recent European court ruling, and decision of ODPM to refer the matter to the Law Commission may place local authorities and Gypsy/Traveller site managers in a difficult position should evictions become necessary before the issue is clarified. We recommend that ODPM immediately issue legal advice to all local authorities.

²⁴² Ev 45 [Travellers Advice Team, Community Law Partnership]

²⁴³ HC 63-III, Ev 67, [Hughie Smith, President of the Gypsy Council (Romani Kris)]

14 Site Management

177. Site managers (called wardens on some sites) usually have day-to-day responsibility for managing a site, contact with site residents, allocating pitches and authorising repairs. They are not caretakers, nor are they responsible for cleaning or minor repairs. Some local authorities also employ senior site managers or Gypsy and Traveller liaison officers who have other responsibilities relating to Gypsies and Travellers including unauthorised camping. These officers are often involved with the financial aspects of site management and they manage the ‘frontline’ site managers within an authority. Many witnesses emphasised the vital contribution that site managers make to the success of a site:

“[...] the best policy which can be operated in respect of Gypsy site management is one of firmness but fairness – there has to be a certain degree of ‘give and take’ on all sides, but where individuals are showing flagrant disregard for or are in continual breach of site rules and conditions of occupancy action has to be taken against them. [...]. In order for sites to be successful, good management is essential. However in order to achieve good management, local authorities must show an interest in their sites and must also be prepared to back-up their site wardens and/or managing officers.”²⁴⁴

“Attention is needed to ensure practical and fair site management structures for permanent and transit sites. This makes a real difference to the success of sites.”²⁴⁵

178. Some Gypsies and Travellers are critical of local authority site management. The Traveller Reform Coalition comments:

“We would like to see a recognition of the history of neglect and poor management of many local authority sites. Existing models of good practise in this area are vital in assessing the changes needed. We believe that a community development approach to site management is effective. This approach supports a process by which residents can genuinely represent themselves, and whereby the management can work in partnership with the residents in order to create well managed sites and a pleasant and safe living environment for both the site residents and the local community. It will also give many Gypsies and Travellers valuable experience of being involved in decision making processes, which could encourage them to participate in other community forums such as parish councils and local authority/school educational bodies.”²⁴⁶

Site residents have suggested that site managers fail to consult them about what they want; residents argue that Gypsies and Travellers have their own culture and different priorities and needs which are not understood by outsiders. They believe that Gypsies and Travellers must be involved in management of sites.

²⁴⁴ HC 63-III, Ev 67, [Hughie Smith, President of the Gypsy Council (Romani Kris)]

²⁴⁵ HC 63-III, Ev 97 [Greater London Authority, Mayor’s Office]

²⁴⁶ Ev 35 [Travellers Advice Team, Community Law Partnership]

“Travellers’ involvement in the running of accommodation sites need to be formalised and enhanced. Training programmes should also be offered by local authorities and other service providers to develop strong internal leadership to activate the Traveller community positively.”²⁴⁷

Cliff Codona, Chair of the National Travellers’ Action Group, believes Gypsies themselves make the best site managers because they understand the culture of the residents:

“If they are allowed to be managed by the Gypsy community – which is good, respected members of the community who work with the local government – they can manage sites in the best possible way that they could ever move forward, because gypsy communities have respect for their own people.”²⁴⁸

John Treble, Vice-President and Vice-Chair, Somerset Association of Local Councils, agrees that this approach can work well:

“One thing is to recruit a Gypsy who wants to be permanent [on a residential site] and let him manage the site. It can work very well. [...] We have, but it happens to be a private site, 70 pitches, owned by a Gypsy who resides there permanently. He manages it and may I say that the nature of the Gypsy community is such that a King Gypsy can exercise discipline over a Gypsy community far better than any external agency can. He sometimes does it crudely by simply refusing to admit people but he does it and we have a camp of 70 which is under such good control that it is not causing much of a local problem once it was accepted as a regular item there.”²⁴⁹

179. Others believe that Gypsy/Traveller site managers can operate harsh management regimes, including management by fear, exclusive and factional pitch allocation policies.²⁵⁰ Tom Sweeney, Co-Chair of the Irish Traveller Movement Britain, believes that Gypsy management works well on private sites, but believes local authority sites need to be managed by local authority officers. Charles Smith agrees:

“I think we should go back again to how housing is managed and we should be looking at in the same way as housing. If it is a private site, it is managed by the owner of the site, the same as private caravan sites; if it is a council site, it is managed by the accommodation department and so forth.”²⁵¹

180. Approximately 13% of local authority sites are managed by a non-local authority body. Dr Power believes that some of these sites operate more selective lettings policies resulting in vacant pitches for periods of time:

“Management of sites has in some cases been leased to particular Traveller groups. This policy often excludes many other Travellers from these sites due to perceived

²⁴⁷ Dr Colm Power, *Room to Roam, England’s Irish Travellers*, June 2004, pg 105

²⁴⁸ Q 81 [Cliff Codona, Chair, National Travellers’ Action Group]

²⁴⁹ Q 305 and Q 312

²⁵⁰ Centre for Urban and Regional Studies at the University of Birmingham, *The Provision and Condition of Local Authority Gypsy/Traveller Sites in England*, 2002, pg 25

²⁵¹ Q 83 [Charles Smith]

animosities between different extended families and selective letting by site management [...].”²⁵²

181. Gypsy and Traveller site residents usually sign a site licence which sets out terms of tenancy including acceptable behaviour. Enforcement of site licence conditions is an important part of site management:

“Ours is what we call a “firm but fair management policy”. In our submission we actually sent a copy of the licence agreement we have with the tenants. They have to abide by certain rules. I think there are a lot of people talking here about tenancy agreements – that Gypsies should perhaps have tenancy agreements. I think in the main if you ask the run-of-the-mill Gypsy he is not too bothered about a tenancy agreement. All he is bothered about is being able to live on a caravan site, get his children a good state school education and, at the same time, be able to live in peace and harmony with his neighbours.”²⁵³

The ultimate sanction is eviction. Although site managers on private sites can carry out this action, it is more difficult for managers on local authority sites because eviction may result in establishment of an unauthorised encampment - creating more problems for the local authority. In order to enforce site licence agreements, site managers must be aware of all activity on a site - preferably by living on site, or by visiting regularly and at unexpected times - and they must apply rules consistently. Such a heavy management approach can create tension with site residents who want freedom and tolerance, although site residents we spoke to on sites in Hampshire seemed content with their residential site managers. The County’s Gypsy and Traveller Liaison Officer emphasised the importance of visible site management, as did the Councillors and officials we met in South Dublin.

182. Pat Niner explained that although different styles were favoured by different individuals, intensive management, such as a full-time residential manager was thought to work best:

“I suspect that overall the most popular sites of all are owner-occupied, small, family Gypsy sites owned by the Travellers and site management really does not exist as a separate function. If we are talking about sites where the plots are let and where the residents are not owner-occupiers but are some form of licensee or tenant, then our research did not show that there were any clear preference or clear views on the merits and demerits of Gypsy ownership or local authority ownership. I think what it did show was the consensus that site management needs to be rather more intensive in terms of site presence, site management on site, than housing management would normally be and is in a sense a different activity from housing management. I suspect that some of the less successful sites are where a housing officer is managing a site as part of their patch and not really getting the resources and the skill and expertise to do it. I think the more successful local authority site management comes where there is a team of people who can share activities and support each other and generally develop expertise in site management. Taking it a step further, the standard words are “firm and fair”. There seems to be a great premium on equality of treatment for

²⁵² Dr Colm Power, *Room to Roam, England’s Irish Travellers*, June 2004, pg 19

²⁵³ Q 116 [Hughie Smith, President, The Gypsy Council (Romani Kris)]

all residents on Gypsy sites and I think that probably one of the more hopeful signs for the future is the use of things like Supporting People money to actually work some sort of community development aspects of site management as well, and I think in many cases we are probably at the start of that rather than being able to really hold up many good practice examples there.”²⁵⁴

Alistair McWhirter, Chief Constable of Suffolk and representative of the Association of Chief Police Officers agreed:

“I think that the site management that seems to work best is where you have a dedicated site manager who is on that site and who can work with the people rather than somebody who has it as an additional responsibility and who is transient and who may not have the knowledge to be able to build up relationships. The people who are particularly good – some of whom have given evidence to you as part of the group who came to speak to you – are the people who I have had admiration for over the years, who build relationships with the Travellers, they often know the people who regularly come every year and that relationship pays off because as a result people behave well because they are dealing with people whom they know and trust.”²⁵⁵

183. Most site residents accept that firm management is necessary to preserve the environmental quality of a site.²⁵⁶ On our visit to Ireland we saw sites with residential managers, and those with a visiting caretaker manager. The sites with residential managers were in better condition, and caravans were parked in appropriate places satisfying health and safety legislation. The sites with visiting caretakers were in worse condition with more rubbish. One such site had a community centre which had been vandalised by residents, forcing the authority to fit metal shutters to the windows. We were told that sites with residential site managers had not experienced such problems. The Council was considering putting a residential site manager onto the site; it was suggested this would be more cost-effective than the cost of repairing and clearing up the site and re-establishing good-will with the settled community. Officials at South Dublin County Council told us that threat of eviction was an insufficient deterrent because evicted residents would camp illegally outside the site.

184. The Minister, Keith Hill MP, argues that site management is not an issue central Government should become involved in:

“I think it is probably quite likely that it is an issue that has crossed our path in the course of the review, but having said that I really do feel that this is again not a matter for heavy central Government guidance or certainly not edicts but very much a matter for local decision making. I found it fascinating – to quote the estimable Mr Treble – that there had been very positive experience of at least one member of the

²⁵⁴ Q 171 [Pat Niner, Senior Lecturer in the Centre for Urban and Regional Studies at the University of Birmingham and Gypsy and Traveller researcher]

²⁵⁵ Q 285

²⁵⁶ Centre for Urban and Regional Studies at the University of Birmingham, *The Provision and Condition of Local Authority Gypsy/Traveller Sites in England*, 2002, pg 31

Gypsy and Traveller community in the management of sites. It seems like a very good idea but I do not think it is a matter for central Government to intervene on.”²⁵⁷

All the submissions we received emphasised the need for good site management, and many highlighted concerns relating to anti-social behaviour, consequently, we feel that site management is an issue that central Government should be involved with. Without central Government direction, local authorities could cut site management budgets when needing to generate savings. An ODPM official added to the Minister’s response:

“[...] it is something we are looking at and Pat Niner has certainly had a lot to add to that debate with us. Again it is an example of what works best is what works best. For example on a transit site where you have vans coming in and out you would not really expect a Gypsy or Traveller to take responsibility for that. My personal view is that that would be the role of the local authority. Likewise on a site where a Gypsy or Traveller owns the site I would not say that the local authority would have too much locus; it would be down to the individuals who live on that site to manage. If there were local authority managed sites I think there could be arguments both ways, with the local authority having a strong management input and for nominated Gypsies and Travellers to have a strong input. Again, drawing on the experience of the Irish Government they have also gone for a “what works” approach and where there are Gypsies and Travellers who are identified as having strong leadership within their communities it is natural for them to have some role in site management and can be appointed as paid site managers living on the site. [...] I think the thing that reassures the neighbours the most is that the site is well managed.”²⁵⁸

185. Effective site management is key to the success of Gypsy and Traveller sites. There is no real consensus as to whether a particular management arrangement works better than any other. Some believe that Gypsies and Travellers make better managers because they understand the culture of the residents, but others argue sites managed by Gypsies and Travellers operate harsher management regimes and selective lettings policies. Whichever management approach is adopted, regular site presence by a manager is vital. Ideally sites should have a residential manager. Site management should be firm, fair and consistent, treating all residents equally and taking action early if residents break site licence agreements. Site managers should seek to involve residents in management issues so that they take on more responsibility for their site. Local authorities should consider running capacity building programmes on sites to generate the necessary skills, perhaps using funds available through the ODPM Supporting People programme. The Government must emphasise the importance of good site management and must be prepared to offer guidance, and facilitate assembling and sharing of good practice materials. Any Government funded programmes, such as the Gypsy Sites Refurbishment Grant, should require assessment of site management before awards are granted.

²⁵⁷ Q 347

²⁵⁸ Q 348 and Q 352 [Dawn Eastmead, Head of Housing Management Division, Office of the Deputy Prime Minister]

Career development and training opportunities for local authority site managers

186. Most Gypsy and Traveller site managers are skilled individuals but little national effort is made to offer training and career development opportunities, unlike mainstream housing managers/landlords. The Gypsy Council for Education, Culture, Welfare and Civil Rights told us that they “[...] would like to see positive steps towards the training and education of local authority members and officers.”²⁵⁹

187. We have been told how important site managers are to the success of a site, and we have also been told how difficult such management can be. Yet officials from the ODPM told us that training was a matter for “local discussion”²⁶⁰; and the Local Government Association told us that it was not their responsibility.²⁶¹

188. Similarly, little effort is made to assess performance. The Audit Commission told us that they do not specifically monitor site management or performance of site managers. There are no national frameworks available to allow site managers to benchmark performance against others. It has been suggested that targets could be set relating to licence fee levels, pitch vacancies, turnover, void periods, arrears performance and management expenditure at site level in order to compile a performance framework.²⁶²

189. The National Association of Gypsy and Traveller Officers told us that some local authorities have developed their own training schemes:

“The management of both permanent and temporary accommodation is key to the establishment of provision. Without the appropriate training of personnel involved in Gypsy & Traveller issues and senior management overviews, Gypsy & Traveller accommodation will often decline. The training undertaken by the South-West Region Authority in Gypsy & Traveller management should receive Government support and backing to ensure that standardisation of management techniques and procedures is widely accepted across both England and Wales.”²⁶³

And in a supplementary note Councillor Susie Kemp of West Berkshire Council and Chairman of the Local Government Association Planning Executive told us that:

“[...] we will be looking into developing a web-based network for authorities to share good practice and information on site and service provision for Gypsy and Traveller communities.”²⁶⁴

190. We welcome the initiative of the South-West region in developing training opportunities for Gypsy and Traveller site managers. Unfortunately such schemes are few and far between, and lack recognition. The Government and Local Government

²⁵⁹ HC 63-III, Ev 90, [The Gypsy Council for Education, Culture, Welfare and Civil Rights]

²⁶⁰ Q 351

²⁶¹ Q314-5 and HC 63-III, Ev 115, [LGA]

²⁶² Centre for Urban and Regional Studies at the University of Birmingham, *The Provision and Condition of Local Authority Gypsy/Traveller Sites in England*, 2002, pg 54

²⁶³ HC 63-III, Ev 78, [The National Association of Gypsy and Traveller Officers]

²⁶⁴ HC 63-III, Ev 115 [LGA]

Association must make efforts to provide training opportunities for Gypsy and Traveller site managers as they do for Registered Social Landlords in mainstream housing management. National frameworks should also be established which will allow managers to benchmark their performance against other site managers. Mechanisms should be available to allow officers to share good practice. We welcome the intention of the Local Government Association to develop web-based networks to facilitate this. We recommend that the Office of the Deputy Prime Minister update us on the progress of this project in their response to this report. Career paths must be developed for site managers and local authority officers involved with Gypsy and Traveller policy areas. A regional approach to provision of sites would generate more opportunities, as would closer interaction between neighbouring authorities.

15 Anti-Social Behaviour

191. We received many complaints from local authorities, members of the settled community, landowners and Members of the House of Commons about the behaviour of some Gypsies and Travellers. Cottenham Residents Association, who recently issued a joint statement with the Traveller Law Reform Coalition calling for re-introduction of a statutory duty on local authorities to provide accommodation for Gypsies and Travellers, told us that crime and disorder need to be better managed. Without better management of anti-social behaviour, few politicians and members of settled communities will feel able to support increased site provision. Cottenham Residents Association told us:

“It is a matter of public record, across the country, that wherever Travellers reside there are instances of all/some of the following being reported to the police:

- extreme littering and fly-tipping
- defecating and urinating on private and public lands
- verbal abuse and intimidation
- various traffic offences including obstruction, speeding, illegal parking, drunken and under-age driving
- general anti-social behaviour.

“It is simply not just” that:

- Travellers make no contribution to clean-up cost
- non-Travellers, especially the aged, become frightened to the point of not leaving their homes
- non-Travellers businesses suffer hardship as customers avoid areas affected by unlawful occupation
- family and friends defer visits for fear of own safety
- property prices are adversely affected, and especially adjoining land values
- good policing is virtually impossible (rural England is left unprotected by the “tick-box” strategy of the Home Office and its dependence on the National Intelligence Model) as reported ‘incidents’ are rarely followed up and are thus able to be omitted from regional crime figures. Result: non-Travellers are without protection from, and Travellers perceive themselves as beyond, the law. There is reluctance to use the Police Reform Act 2003 and powers of confiscation because the police have little/no means to remove vehicles and private firms fear reprisal. The Crime & Disorder Act 1998 seems to need co-operation between police and local authorities, but same it seems is not forthcoming as local authorities refuse to acknowledge any responsibility under this Act. The Anti-Social Behaviour

Legislation is, we are told, cumbersome and unworkable failing, as it does, to allow action against groups.”²⁶⁵

192. However Charles Smith, Chair of the Gypsy Council for Education, Culture, Welfare and Civil Rights, emphasised that the behaviour of a minority of Gypsies and Travellers should not be used as an excuse not to provide accommodation for Gypsies and Travellers:

“Anti social behaviour is not used for the provision or lack of provision for social housing, yet the behaviour of some Gypsy and Traveller people is used as a reason for not building sites. The Government is now talking about mentors and help for families with social problems, so should not Gypsy and Traveller families get this same support.”²⁶⁶

193. Gypsies and Travellers themselves complain about other Gypsies and Travellers who exhibit anti-social behaviour. Gypsies and Travellers interviewed by Pat Niner for “The Provision and Condition of Local Authority Gypsy/Traveller Sites in England”, complained about a small minority of “bad families” who caused problems for other Gypsies and Travellers as well as site managers and the settled community.²⁶⁷ Hughie Smith, President of the Gypsy Council (Romani Kris) told us:

“I would point to the 41 sites (minimum estimate) which we as an organisation have been forced to close over the years because of the unruly and anti-social behaviour exhibited by a certain element operating within the Gypsy community [...]”²⁶⁸

194. However we have been told that authorities find it difficult to pursue anti-social behaviour because members of the Gypsy and Traveller community frequently refuse to act as witnesses to alleged incidents. Gypsies and Travellers argue that it is the responsibility of local authorities and the police to pursue the individuals responsible, however authorities argue this is impossible without cooperation from the travelling community to identify them. The settled community frequently argue that the police and local authorities are not doing enough to tackle anti-social behaviour in the travelling community:

“It is not so much local authorities to be given more powers; it is they should more readily enact those that they already have. We would expect more support from the police. We do not get it from either. I was not able in that evidence to be specific about the village I am from so I have tried to be as wide as I could. We have experienced it in Cottenham - and we know it has been experienced in Billericay and in Runnymede and parts of Sussex - where the unlawful occupation of the land as it stands is automatically associated with dreadful behaviour. It is the behaviour side which creates tremendous fear in local communities, especially when there are large numbers involved.”²⁶⁹

²⁶⁵ Ev 29 [Cottenham Residents Association]

²⁶⁶ HC 63-III, Ev 90, [The Gypsy Council for Education, Culture, Welfare and Civil Rights]

²⁶⁷ Centre for Urban and Regional Studies at the University of Birmingham, *The Provision and Condition of Local Authority Gypsy/Traveller Sites in England*, 2002, pg 29

²⁶⁸ HC 63-iii, Ev 67, [Hughie Smith, President of the Gypsy Council (Romani Kris)]

²⁶⁹ Q 180 [Rick Bristow, Chairman, Cottenham Residents Association]

195. The police told us that some Gypsies and Travellers try to make sites “no-go” areas for authorities:

“I think there is a tactic that is used by some Travellers – and I would say it is a small minority of Travellers – to make many of their sites no-go areas for council officials, for police and for people from any agency. I think there is a reluctance on the part of some agencies to move into areas where there are Travellers’ sites. Police officers on the whole have no difficulty moving onto some of the smaller Travellers’ sites or indeed, the big ones; we do not have no-go areas, we try not to create those sorts of areas and we will go in and enforce the law. I can give you an example of this from only last week in my own police area where we went onto sites and arrested people early in the morning for offences that had been committed. We do take action and we will not allow no-go areas.”²⁷⁰

196. Some anti-social behaviour is caused by incompatibility between Gypsies and Travellers both on unauthorised encampments and official sites. Many Gypsies and Travellers do not travel regularly, if at all, but are settled on a site for long periods of time, often years. Sites are often stable and accepted or ignored by the local community, but if a site suddenly expands, due to an influx of Gypsies or Travellers, the local community starts to feel under pressure. Sites themselves frequently do not have the pitches or services to meet the increased demand. Several submissions from local authorities and one from the Cottenham Residents’ Association, highlighted that problems between the settled and travelling communities only develop when the local Gypsy/Traveller community suddenly expands. One witness who has worked with Gypsies and Travellers told us that:

“A serious problem with some unauthorised sites is that one family with only five to twenty caravans may not be causing any problems, especially if the Council is providing facilities (portaloos, rubbish collection and if possible a water tap). If however the site is visible from the road and has any space on it, other Travellers sometimes settle on it, and overcrowding, litter and bad behaviour can be the result. Too often nothing is done to stop this until the situation is so bad that all the Travellers are evicted, which is unjust to the ones who did keep the rules. This can be prevented in various ways, by asking the first caravans to agree to having locked height or width barriers so only cars can enter and at once removing any caravans that break in either by using section 61 or 77/78 of the 1994 Act.”²⁷¹

Many witnesses have told us that Irish Travellers tend to travel more, and in large groups and can take over existing sites leading to conflict with the settled community:

“I can understand exactly why Travellers buy a bit of ground and go on it and take their hard core on, et cetera. To be perfectly honest with you, we do not have a problem with that. It is when it happens in numbers and it tends to be and I hate to be called racist for this with the Irish Travellers who influx on a mob basis and there is something of a mob rule which accompanies them. By using this mob rule you have to have some respect for them because what they have done is they have actually protected their culture through the centuries, but the fact of the matter is

²⁷⁰ Q 270 [Alistair McWhirter, Chief Constable of Suffolk and representative of the Association of Chief Police Officers]

²⁷¹ HC 63-III, Ev 105 [Ann Dean]

when it hits a local village or any community it is basically intolerable. I live right opposite the camp and I am very visible to the Irish Travellers now and, quite frankly, we are on nodding terms, as it were, but there are a good many older folk in the village who will not leave their homes even now. Relatives down the fen will not visit except at certain times of the day. It is just not the sort of situation that people like.”²⁷²

197. Frequently Gypsies and Travellers resident on sites do not want the newcomers and conflicts can develop. In their submission ACPO explained that some sites are taken over by individual family groups, and disputes/power struggles then arise between residents over “possession” of the site. This tension can overspill into the local settled community. Gypsies and Travellers may complain privately about being intimidated but will rarely make their complaint official or go to the police as Alistair McWhirter, Chief Constable of Suffolk and representative of the Association of Chief Police Officers told us:

“When I speak to Gypsy groups privately rather than at public meetings, they will often say to me that they wish they could eradicate some of the people who cause the most difficulties. There are difficulties in a number of areas; it is not just anti-social behaviour in its broader sense, sometimes it is family disputes and domestic disputes which spill over into the wider community and those can often cause significant problems where you have a group on perhaps an authorised site and another group on an unauthorised site and there are tensions between the two groups locally.”²⁷³

Chief Constable McWhirter explained that solving inter-family conflict in any community is not easy:

“[...] dealing with internal family matters is a difficult thing for the police and very often we only deal with the outward manifestation when people commit criminal offences - i.e. when there is violence or threats that are made – and then we have to deal with it. What we often have then is conflicting views about what happened, who said what and to whom and what threats were made. With the Gypsy and Traveller community that is made even more difficult because very often they will not speak to us, they will not tell us what is going on and we will get reports, for example, of someone with a shotgun in the street and we will go and deal with what is essentially a firearms incident and find that we are dealing with a domestic dispute.”²⁷⁴

198. On each of our visits the importance of compatibility was emphasised by site managers, Gypsy and Traveller Liaison Officers, and site residents. We were told that most site managers consider the compatibility of residents before any other factor. Dr Home explained:

“[...]Another factor which differentiates caravan sites from housing is that much more of the life is in the outside. So you have to look at family compatibility and

²⁷² Q 190 [Rick Bristow, Chairman, Cottenham Residents Association]

²⁷³ Q 271 [Alistair McWhirter, Chief Constable of Suffolk and representative of the Association of Chief Police Officers]

²⁷⁴ Q 286 [Alistair McWhirter, Chief Constable of Suffolk and representative of the Association of Chief Police Officers]

compatible ethnic minorities within the Gypsy community, which you would not be able to do in council housing, for example, or association housing.”²⁷⁵

Officials from South Dublin County told us that smaller sites, ideally the size of an extended family group (5-10 individual family units) minimised conflict.

199. Historically the Gypsy and Traveller community has protected itself in the face of racism. The relationship between the police and the travelling community has not always been easy, however tackling anti-social behaviour within the Gypsy and Traveller community will require building of trust between these groups and improved communication. On our visit to the Appleby horsefair we were told that the Gypsy organisers, council and police had established an excellent working relationship. We hope such good practice can be replicated. Gypsies and Travellers must accept some of the responsibility for eradicating the anti-social element from their communities. Without support from the travelling community, the police are unable to clamp down on the unruly and disruptive. Witnesses to incidents must be prepared to come forward and testify. The situation would be further helped if there was one overseeing body for Gypsies and Travellers, such as the Showmen’s Guild for that part of the travelling community. Representative groups must set an example to the community, and must not allow historic grievances to divide the community they purport to lead and undermine the leadership they are placed to offer.

Environmental Crimes

200. Many submissions have suggested that land is left in a disgusting state when Gypsies and Travellers leave illegal encampments. Local authorities and the Environment Agency have been criticised for failing to tackle the problem:

“Other local authorities might be better but it took our district eight months the first time to take any action. The second go round took a further five months and on each occasion it took about a week to clear one particular area of fen from the rubbish that had been tipped there. [...] There is absolutely no anti social behaviour unit. The problems we experienced simply went unresolved for eight months and they would have continued beyond that but there was an unfortunate incident in the village. As regards the agencies, I personally feel the Environment Agency did not want to know anything about the fly tipping issues and they passed it back to the district. If you talk to the district council you tend to go through the planning department.”²⁷⁶

“Local communities are having the peaceful enjoyment of local facilities regularly spoilt by Travellers who take over local fields or recreational areas and very often, but not always, litter and foul the land and leave large areas with dumped materials.”²⁷⁷

201. Gypsies and Travellers argue that they are often blamed for rubbish which is dumped by members of the settled community:

²⁷⁵ Q 23

²⁷⁶ Q 187-8 [Rick Bristow, Chairman, Cottenham Residents Association]

²⁷⁷ Totton and Eling Town Council, *Views and Responses in respect of Travellers, 14th July 2004, Press Release*

“Every bit of rubbish up and down the road that’s fly-tipped, the first ones that’s done it is the Gypsies, we get blamed of it – it’s not the Gypsies.”²⁷⁸

Problems on and around sites cannot be seen in isolation from national trends, for example, low scrap metal prices, clean air and pollution controls (which prevent burning of waste) and the costs and bureaucracy associated with authorised commercial waste disposal.

202. Fly-tipped rubbish is unsightly and unhealthy, particularly if it becomes infested with rats or other vermin. It is costly for local authorities to remove, and potentially dangerous. Both the Environment Agency and local authorities have powers to tackle fly-tipping and other forms of waste crime. The Local Government Association and Environment Agency have agreed a protocol that sets out the division of responsibilities between them to ensure effective working without duplication of effort. In general, the Environment Agency deal with large-scale illegal dumping of waste (more than a 20 tonne lorry load), illegal waste activities involving organised crime, and the illegal dumping of drums or containers of hazardous waste with a capacity greater than 75 litres. Local authorities, in general, focus their efforts on smaller-scale fly-tipping and littering. On non-publicly owned land, the occupier or owner has responsibility to remove the waste.²⁷⁹

203. The Environment Agency received almost 5,400 reports of fly-tipped wastes in 2003.²⁸⁰ Some of the most dangerous items reported to be dumped are used gas cylinders. There is no evidence that Gypsies and Travellers are solely responsible for dumping such items, but on our visit to Hampshire we were told about an illegal site which had to be cleared of 500 gas cylinders after a group of Travellers left. In order to comply with health and safety legislation, local authorities have to lock these cylinders in wire cages until they can arrange safe disposal. When empty the canisters are particularly dangerous because they are volatile. It was suggested to us that increased deposits on the cylinders would solve this problem, although manufacturers argue that increased deposits would make them more attractive to thieves. Manufacturers also told us that they will arrange removal of cylinders, if there are a sufficient number. However local authorities argue that they still have the problem of storing them until a sufficient number are collected. The Environment Agency told us:

“In line with the Agency-Local Government Association protocol, the dumping of gas cylinders would normally be dealt with by the local authority. The Agency does not collect data on the number of incidents reported to it that involve gas cylinders. In general gas cylinders are disposed of when they are emptied although the cylinder itself can in some circumstances be re-used. We have anecdotal evidence that in some cases the cylinders that are dumped may have been stolen. It used to be the case, as with beer kegs, that the cylinder was a valued item that could be returned to the initial owner (e.g. the gas supplier), as they can be re-used, and a take back scheme was in place. This even extended to the removal of fly-tipped gas cylinders. More recently it has become increasingly difficult to get the cylinders removed this

²⁷⁸ Centre for Urban and Regional Studies at the University of Birmingham, *The Provision and Condition of Local Authority Gypsy/Traveller Sites in England*, 2002, Gypsy interview pg 34

²⁷⁹ HC 63-III, Ev 99 [The Environment Agency]

²⁸⁰ HC 63-III, Ev 99 [The Environment Agency]

way. It is not clear why this is the case, but perhaps the cost of transport relative to the value of the cylinder(s) is a factor. The storage of any significant quantity of gas cylinders has essential safety requirements as the cylinders are never completely empty and present a fire risk. Storage should be in accordance with guidance issued by the health and Safety Executive in HSG 51/71. As with green waste, there is difficulty in proving the identity of the person that dumped the cylinder or even who had been using the cylinder prior to dumping.”²⁸¹

204. Local authorities tell us that green waste is often found on unauthorised encampments. Many Gypsies and Travellers work as labourers or gardeners and may undertake tree pollarding or landscaping. It is suggested that much of this waste is then fly-tipped, removing the cost of legitimate disposal:

“[...] we see Travellers diversifying into all sorts of new occupations. One of the things that has made a huge difference is the introduction of the mobile telephone which has resulted in many travellers advertising businesses through Yellow Pages and running what appear to be legitimate businesses in the sense of having premises and so on, and Travellers then come and do the work and they have none of the overheads that regular businesses have including tax or national insurance or any of the safety issues that other businesses have to pay.”²⁸²

Members of the settled community should be aware that when they employ such contractors, it may be waste from their gardens which will be fly-tipped on local land. In 2003 the Environment Agency received 248 reports of fly-tipped green waste. On our visit to Ireland we were told that if fly-tipped waste can be traced to a household, action is taken against the householder, even if they employed a contractor to remove the waste. Because the pollution risk from fly-tipped green waste is low, the Environment Agency do not class reports of such waste as serious incidents, thus do not attend or take action. It is hard to identify the source of such waste without a witness or CCTV evidence; this makes it difficult for enforcement authorities to take action.

205. In July 2004 the Department for Environment, Food and Rural Affairs launched a ‘Clean Neighbourhoods Consultation Document’ that could provide greater clarity over tackling environmental crimes through Crime and Disorder Reduction Strategies. The Environment Agency and Local Authorities are also reviewing their protocol that sets out the sorts of fly-tipping incidents that they each respond to. In addition the Environment Agency and Department for Environment, Food and Rural Affairs are exploring changes to the system of registration of waste carriers which could help tackle fly-tipping. For example, those who produce and take away green wastes would be required to be registered, and householders would be encouraged to adopt a responsible approach to having their waste removed, i.e. not by an unknown “man with a van”.²⁸³

206. The Anti-Social Behaviour Act 2003 gave local authorities powers, with the assistance of a police officer, to stop, search and seize vehicles suspected of being used for fly-tipping, and to investigate incidents to help track down and prosecute people responsible for

²⁸¹ HC 63-III, Ev 99 [The Environment Agency]

²⁸² Q 263 [Alistair McWhirter, Chief Constable of Suffolk and representative of the Association of Chief Police Officers]

²⁸³ HC 63-III, Ev 99 [The Environment Agency]

dumping waste. Tottenham and Eling Town Council suggest that the Government should also consider introduction of on the spot fines for fly-tipping to prevent those with no fixed abode disappearing before action can be taken.

207. Gypsies and Travellers are not responsible for all waste crime and fly-tipping, and may be an easy target. However, there are some members of the travelling community who are responsible for such crimes. Gypsies and Travellers have a duty to dispose of waste appropriately, and to help local authorities tackle environmental anti-social behaviour by reporting waste crimes. We accept that increased site provision would reduce the number of unauthorised encampments, and by association the amount of fly-tipped waste. We welcome the steps being taken by the Department for Environment, Food and Rural Affairs, and the Environment Agency to develop more effective ways to tackle fly-tipping and waste crime. Fly-tipping is dangerous, unhealthy and an eyesore, however, householders must adopt a more responsible attitude towards having their waste removed. It is unlikely that a “man with a van” and a mobile phone is a responsible contractor who will dispose of waste appropriately. We recommend that the Government seeks Parliamentary approval for a tighter system of registration for waste carriers in order to clamp down on irresponsible contractors who undermine legitimate, responsible businesses. Local authorities should consider using CCTV systems on vulnerable land in order to try and secure convictions for fly-tipping. The courts must award stringent penalties for convictions in such cases.

16 Unauthorised encampments

208. Unauthorised camping continues to be a problem for both the travelling and settled communities. The travelling community argue that there are insufficient places to stop so they are forced to camp on unauthorised sites which lack facilities and services, and where constant evictions disrupt children's education:

“In practice, 30% of Travellers in Britain are hounded from one unauthorised place to another, with all the associated problems of unofficial camping, clean-up costs and no chance of proper education for the children. Furthermore poor living conditions have a detrimental impact on the health of Traveller families, who have the lowest life expectancy and the highest child mortality rates of any group in Britain.²⁸⁴ [...]. Every week an average of 10 Traveller families – 80 to 90 people in 30 caravans – are living on unauthorised sites with no sanitation, no utilities and no refuse collection. There are an average of three evictions a week that cost about £2500 a time excluding police costs, staff costs and possible legal costs.”²⁸⁵

The settled community views unauthorised camping as an invasion of its environment, and objects to the costs which result from evicting illegal campers and cleaning the site:

“There is a sense of injustice over the fact that the council tax payer has to keep shelling out substantial funds to clear up behind these people.”²⁸⁶

“It is absolutely essential that we get away from Travellers camping illegally. The amount of grief and despair that it causes in a community is untold. Residents cannot understand why this group of people are able to come in – whether they own the land or do not own the land – set up camp and live there when, in my particular part of the world, if they want to put a garden shed up they would have to go through the planning system. I think what we are trying to get across is that we want to be part of this equation as local authorities and work with the travelling community but we want to make sure that it is done within the legal framework and not done illegally as it is at the moment.”²⁸⁷

Alistair McWhirter, Chief Constable of Suffolk and representative of the Association of Chief Police Officers, told us that the settled community often react badly to the arrival of Gypsies and Travellers:

“I can honestly say that I have never seen such racism in communities other than when Travellers move into an area; there is a naked racism which is not there with other minority ethnic groups who are even more visible in many ways. The public reaction to Travellers can be very much equated to the nineteenth century Punch cartoon where a man is standing on the edge of a village with another man and a villager from the next village is walking towards them and in the caption underneath

²⁸⁴ HC deb, 19 May 2002, col 1071

²⁸⁵ HC deb, 19 May 2004, col 1072

²⁸⁶ West Sussex County Council, *A Strategy on Gypsies and Travellers in West Sussex*, January 2003, pg 12

²⁸⁷ Q 295 [Councillor Susie Kemp, West Berkshire Council and chairman of the Local Government Association Planning Executive

one man says to another: “Who’s him, Jim?” The other one says, “E be a foreigner” and the first one says, “We’ll heave half a brick at him then”. That is still the attitude that communities have to strangers moving in generally, we do not see it only with Gypsies and Travellers. In my own county at the moment we have problems with Portuguese families moving into rural communities and so on. We know from the reaction we get when Travellers move into an area when we will constantly get telephone calls saying that crime has gone up and so on and very often the figures do not match that. Travellers arriving in an area does not mean that there is going to be an increase in crime; what it often means is a feeling of unease in the local community and as a result tensions are raised particularly if Travellers then go into a pub and take that pub over very often in large numbers and you end up with conflict in the community. Sometimes that is very difficult to deal with.”²⁸⁸

209. ACPO emphasised the difficulties of managing unauthorised camping:

“Managing unauthorised camping is a very difficult task. Practitioners involved have to constantly bear in mind the law, the rights of the landowner, the human rights of the campers, the needs and wants of the settled community and the practical difficulties of where the Travellers will move to if not allowed to stay. All this needs to be set against a backdrop of institutionalised prejudice among the settled community who are much more prepared to make racist comments and take physical action against Travellers than any other minority group. This is evidenced by the press who also write articles about Travellers in terms which they would not entertain using about other minority groups.”²⁸⁹

And of evicting unauthorised campers:

“If you serve a notice under Section 61 to require someone to leave a site you actually have to have the resources available once you have given the people a period of notice to take all of the caravans into your possession and keep them safely, you have to find homes for the people you are making homeless and so on. You have to have a huge number of people involved, it is not as easy as saying, “Okay, go off by 12 o’clock tomorrow” and sending a police officer along to make sure that that happens. It is not as simple as people think; it is the logistics of actually making it happen that are very difficult.”²⁹⁰

210. Gypsy and Traveller groups have argued that local authorities have failed to recognise the difficulties faced by the travelling community because of the lack of authorised sites:

“Account must be taken of those authorities who – supported by the Police – operate harsh eviction policies against Gypsies forced to camp illegally by the national shortfall of official caravan sites, and measures taken (possibly through an amendment to Circular 18/94, and perhaps Planning Legislation) to introduce short-term toleration of families camped on their own land but not causing any problems by their presence there in order to afford those families an albeit limited measure of

²⁸⁸ Q 266

²⁸⁹ HC 63-III, Ev 42, [Association of Chief Police Officers]

²⁹⁰ Q 268

security until such times as their situation can be legitimised through the planning process. Under no circumstances should authorities be allowed to evict Gypsies from unauthorised encampments if they have not already provided official sites within their area, or if such sites are provided they are either sub-standard in terms of quality of facilities, suffer from incompatibility problems or are in isolated, “hole and corner” Or otherwise unacceptable locations.”²⁹¹

The Commission for Racial Equality also expressed concerns that unauthorised encampments are not being handled appropriately:

“Unauthorised encampments and developments – largely as a result of severe site shortages – have a hugely negative impact on community relations.”²⁹² [...]. The CRE is concerned that local authorities and police forces are not adequately aware of, and not adequately implementing the statutory race equality duty in relation to Gypsies and Travellers in the context of unauthorised encampments. The race equality duty should be embedded in any strategy for managing unauthorised camping, and in all practice stemming from this. The CRE is regularly contacted by individuals and agencies expressing concern that authorities are: introducing new policies that are likely to impact negatively on Gypsies and Travellers; actively encouraging reporting of unauthorised encampments; making public statements that fuel hostile media coverage; failing to manage evictions in a manner that promotes good race relations; failing to respond appropriately to members of the settled community who express hostility; contracting private eviction companies without any apparent consideration of race equality.”²⁹³

211. In response to an adjournment debate on 19 May 2004 Yvette Cooper MP highlighted that the levels of unauthorised encampments have stayed broadly stable over the past few years, but the levels of unauthorised developments have increased significantly.²⁹⁴ Unauthorised developments are where the land is legally owned by the Gypsy or Traveller but planning permission for a site has not been granted. The Gypsy Council for Education, Culture, Welfare and Civil Rights want a moratorium on evictions from such sites until sufficient legal places to stop are provided:

“This [a moratorium] is essential because the powers for police in the Anti-Social Behaviour Act 2003 are being used when it is patently obvious that there are not enough sites. In particular evictions of families on private sites which do not have planning permission. The eviction in Chelmsford was a private site and the families were told that there were places in Epsom, Surrey. There were no places in Epsom. The mob handed eviction with hundreds of bailiffs and police in riot gear and circulating helicopter saw caravans (homes) damaged whilst being dragged off the site. Later some caravans (homes) were fire damaged; earth mounds were built to prevent access to the site which was sprayed with pig slurry making it unusable. This would just not happen if the land did not belong to Gypsy and Traveller people.

²⁹¹ Ev 18 [The Gypsy Council (Romani Kris)]

²⁹² Ev 69 [The Commission for Racial Equality]

²⁹³ Ev 69 [The Commission for Racial Equality]

²⁹⁴ HC deb, 19 May 2004, col 1074-5

Until there are enough sites for Gypsy and Traveller families to occupy, these evictions must stop.”²⁹⁵

212. Many local authorities and private landowners have told us of the large costs encountered in evicting travellers:

“As local authorities cannot budget for Traveller invasions, the Government need to consider ways of either assisting local government with such costs or in some way enabling a collaborative scheme to spread the enormous costs of removing Travellers and clearing up the sites.”²⁹⁶

“Private landowners can be virtually bankrupted by a major invasion on their land and the procedures for getting a court order are time consuming and expensive. The removal of Travellers after an illegal occupation normally takes 8 to 10 days at best. Whilst district and county councils and the police have been given considerable powers in respect of removing travellers most are reluctant to use them because of the human rights issues. Nationally millions of pounds are being wasted by local authorities for the removal of the Travellers from their land, dealing with enforcement on private sites without planning approval and also for the fortification of their landholding to try to prevent further invasions.”²⁹⁷

“There is no doubt that the money we spend on enforcement would be better spent on management of Gypsy sites but unless we have a duty to provide sites it is very difficult to see how any local authority will provide residential sites. That is half the answer. The other half of the answer is the transit or short-stay sites where people travel around and move around. In the summer period the majority of people go off their sites, they travel and move around with nowhere lawfully to stop, so therefore they camp on the road and that is where the amount of our expenditure goes. We spend an absolute fortune each year evicting and moving Travellers round and round in a circle. It is totally unnecessary. If there were a legal place for them to stop which could be authorised that had decent facilities then they could move around and stop quite legally.”²⁹⁸

Dr Robert Home told us that development of authorised accommodation would offer better value for money than evictions:

“With unauthorised encampment now criminalised, large sums of public money have been spent on legal action against Gypsies by police and local authorities, and a recent study by the Traveller Law Research Unit at Cardiff University (Morris and Clements 2002) estimated that each unauthorised caravan costs land-owners (public and private) an average of about £3000 a year. A Best Value approach (as recommended in Home Office 2003) would consider alternative ways to spend that money positively to secure appropriate authorised accommodation.”²⁹⁹ [...]. Local

²⁹⁵ HC 63-III, Ev 92, [The Gypsy Council for Education, Culture, Welfare and Civil Rights]

²⁹⁶ Totton and Eling Town Council, *Views and Responses in respect of Travellers*, 14th July 2004, Press release

²⁹⁷ Totton and Eling Town Council, *Views and Responses in respect of Travellers*, 14th July 2004, Press release

²⁹⁸ Q 236 [George Summers, Gypsy and Traveller Service Manager for Hampshire County Council and Secretary of the National Association of Gypsy and Traveller Liaison Officers]

²⁹⁹ Ev 86 [Dr Robert Home]

authorities and the police should be encouraged towards a ‘Best Value approach’, comparing the costs (both direct and indirect) of dealing with unauthorised Gypsy encampments with the possible costs and benefits of taking a more pro-active approach to site provision. This could include a more positive approach to combating prejudice and discrimination towards Gypsies.”³⁰⁰

213. The ODPM and Home Office published new “Guidance on Managing Unauthorised Camping” in February 2004. The guidance emphasised that “all public authorities, not just local authorities, must take account of “humanitarian considerations” before considering eviction.” The Guide has been welcomed by the Association of Chief Police Officers, particularly because it is felt to clarify which authority (police or local authority) is responsible for taking the lead in formulating a strategy. It was suggested that in the past, authorities had failed to work in a coherent manner.³⁰¹ The Traveller Law Reform Coalition also welcomed the guidance. They explain:

“We also welcome aspects of the guidance which set a framework within which appropriate decisions can be made on unauthorised encampments to minimise disruption, linking the approach to unauthorised camping firmly to other strategies and policies affecting Gypsies and Travellers (site provision, planning, health, education, housing etc) and with the potential to involve all those with an interest in the process of developing the strategy.”³⁰²

Police Powers

214. The Anti-Social Behaviour Act introduced into the Criminal Justice and Public Order Act new powers of eviction, meaning that where suitable sites are available, police can evict encampments where they are considerably smaller than they would have been previously and move them on to those sites. Many witnesses support the intention of the Act but believe it useless without provision of additional sites. In an adjournment debate on Travellers’ Sites in West Leeds, John Battle MP commented, “We cannot toughen up the law to move Travellers on if there is nowhere for them to go.”³⁰³

215. The Commission for Racial Equality agrees with these sentiments:

“That [provision of sites and ability to evict illegal campers] is a link that we support but in the absence of those sites being provided - demonstrated by the fact that those powers have not been used yet at all since they were introduced - it is very clear that in order for that system to work the provision has to take place alongside if not before the powers of eviction can be used in order for the system to be workable.”³⁰⁴

Although they stress that there are some sites where eviction is necessary regardless of the level of provision:

³⁰⁰ Ev 86 [Dr Robert Home]

³⁰¹ HC 63-III, Ev 88, [Association of Chief Police Officers]

³⁰² Ev 34 [Traveller Law Reform Coalition]

³⁰³ HC deb, 19 May 2004, col 1070

³⁰⁴ Q 156 [Sasha Barton, Senior Policy Officer, Gypsies and Travellers, Commission for Racial Equality]

“Clearly if the site were completely unsuitable, for instance if the encampment is on a school playing field, even if there is no alternative provision then the eviction powers should still apply but in other circumstances they should not. We are not giving you a precise formulation but we are suggesting that it should be a consideration whether they can use the powers and as to whether the eviction can take place. In a sense it is about rights and responsibilities. They have a responsibility to provide sites and the greater extent to which they have exercised the responsibility for providing or facilitating sites the greater should be their powers to evict people who are not using those sites.”³⁰⁵

216. NAGTO also argue that the additional police powers will be ineffective if not linked to the provision of accommodation, both permanent and transitory, and the provision of funding to provide infrastructure for sites. The Association believe that the Government needs to rethink its strategy of enforcement with a strategy of determining provision of sites based on the assessment of need of the travelling community.³⁰⁶ Ian Cairns, Gypsy Liaison Officer, Somerset County Council, argues that if sufficient numbers of sites were provided, local authorities would be much more inclined to use the powers available and adopt a tough attitude towards any Gypsies and Travellers that still camped illegally:

“There will always be those Travellers who will stay outside the law and providing a local authority has a decent level of provision they can go before the courts and inform the courts that they have been made an offer of accommodation, that there are transit facilities there, and they have been identified to them to use, and if they prefer not to use that then you will obtain your order to move them on. As there was with the 1968 Caravan Sites Act, where there was the designation process, I think that there should be that carrot and stick so that local authorities who do have provision on there to be used and it is not being used by the Travellers have the power to move them on.”³⁰⁷

217. NAGTO believe that the inconsistent approach to transit site provision and permanent residential accommodation makes the enhanced powers unworkable, and provides confusion to both the settled and travelling communities. They argue that:

“There should not be the ability within the legislation that any group encamping on land in a specific area would be guaranteed a place on a transit site or temporary stopping place for at least three months. The accommodation should be dependent on the behaviour of the group and the compliance with a licence agreement to adhere to a certain code of conduct while on the temporary and short-stay site. It is recognised that the travelling population have unique needs, however, the presumption of occupancy for a minimum of three months will only lead to disruptive behaviour and the settled community objecting to the location of the permanent and residential site.”³⁰⁸

³⁰⁵ Q 158 [Sarah Spencer, Deputy Chair, Commission for Racial Equality]

³⁰⁶ HC 63-III, Ev 78, [National Association of Gypsy and Traveller Officers]

³⁰⁷ Q 255 [Ian Cairns, Gypsy Liaison Officer, Somerset County Council]

³⁰⁸ HC 63-III, Ev 78, [National Association of Gypsy and Traveller Officers]

218. The Traveller Law Reform Coalition are concerned that local authorities or the police may force Gypsies and Travellers onto any site with a vacant pitch, regardless of compatibility, and that authorities may develop poorly located sites in order to use their new powers:

“We have grave concerns over the provisions of the Anti Social Behaviour Act 2003, which will give the police extra eviction powers against Gypsies and Travellers where local authorities are able to direct Gypsies and Travellers to vacant pitches/stopping places. [...]. To date the powers in the Anti Social Behaviour Act have not been invoked because there are not vacant pitches. It is our fear though that if local authorities develop sites they will have limited facilities because of the lack of funds available to develop sites, some may be allowed to be quickly run down and become highly undesirable places to live yet satisfy some local authorities as their existence will give them enhanced eviction powers even if Gypsies and Travellers are hesitant to move onto them. It should also be noted that some Gypsies and Travellers might be hesitant to share such sites with different travelling groups, again this will lead to a reluctance to move onto sites which are large and accommodate families from different travelling groups. It is our fear that some Gypsy and Traveller families will be subjected to a greater cycle of enforced movement and this will have a hugely negative impact on their health and access to services.”³⁰⁹

The National Association for Gypsy and Traveller Officers also have concerns about compatibility:

“The availability of permanent residential accommodation on permanent sites should not be an immediate trigger for the police to assume that the vacant pitches represent alternatives to temporary site provision. If inappropriate families are placed on the vacant pitches on permanent sites this will, in itself, lead to the incompatibility between site residents and problems with the local community. Furthermore, this incompatibility of certain travelling elements would disrupt the permanent site and possibly closure.”³¹⁰

219. Local authorities have taken different approaches to the new powers:

“In Somerset we do not use the Criminal Justice Bill and we try not to use the Anti-Social Behaviour Act because we see it as a social issue. It is not a criminal issue, it is a social issue and that is how we try to address it. We have no interest in criminalising any families at all. All we are trying to do is to protect the integrity of our property.”³¹¹

“In Buckinghamshire we take a rather different attitude to Somerset in that we currently concentrate on procedures under the Criminal Justice and Public Order Act basically because when it was issued it said that it was there in order to protect the interests of private owners of land. It is impossible for local authorities to use county court action on private land whereas they can use it for private owners’ own

³⁰⁹ Ev 34 [Traveller Law Reform Coalition]

³¹⁰ HC 63-III, Ev 78, [National Association of Gypsy and Traveller Officers]

³¹¹ Q 254 [Ian Cairns, Gypsy Liaison Officer, Somerset County Council]

land. It is clearly the concern of the landowner in law to look after his land. In the case of a highway that would be the Highways Authority. In the case of private land it would be the private land owner. In practice, that is probably totally unfair on the private land owner whose land is invaded and who may find it covered with rubbish, but there is no getting out of that situation. However, they should be able to depend upon support from the local authority and the police. I believe that provided that those authorities stay within the reasonable confines of their working affairs, in other words, if the Gypsies are on the land and they can be persuaded to come to an agreement with the landowner and not do damage to the land, just as that might happen on local authority land, then there should not be a need for immediate eviction. If they are harming the land and they will not move in other ways then there should be immediate action taken against them by the authorities on behalf of the landowner.”³¹²

220. Chief Constable Alistair McWhirter, representative of the Association of Chief Police Officers told us that the police do not think that they need any additional powers, but he explained that the powers alone were insufficient. For example, an unauthorised encampment may be made up of more caravans than there are spaces on a site, and the group may refuse to be split up. In addition the numbers of Gypsies and Travellers on a site may require additional resources be compiled to implement the powers:

“For all the things that we deal with in terms of Travellers one has to have sufficient resources. Frequently we are asked why we do not use Section 61 more often. If you serve a notice under Section 61 to require someone to leave a site you actually have to have the resources available once you have given the people a period of notice to take all of the caravans into your possession and keep them safely, you have to find homes for the people you are making homeless and so on. You have to have a huge number of people involved, it is not as easy as saying, “Okay, go off by 12 o’clock tomorrow” and sending a police officer along to make sure that that happens. It is not as simple as people think; it is the logistics of actually making it happen that are very difficult. [...]. We have to have sufficient resources and we will get sufficient resources and we do get sufficient resources to do it. We have had tactics adopted by the travelling community of moving in large numbers and certainly a couple of years ago it was at its height when we were getting groups of 150 caravans going round in large groups descending on, for example, a large shopping centre car park, taking over that car park completely at night and then dominating that area for some days. As the guidance says, there are areas where it will always be unacceptable for people to camp unlawfully and we will take action and do that, but we have to then get the resources together to do that and they are very expensive resources to get together. You also then have to have an idea where those 150 caravans are going to go although it is unlikely that people will actually allow us to seize them. So they will probably pull off which is what happens very often; we get all the resources together, we ready to do it and then they will pull away because they do not want to lose their homes, who would? Then it becomes a game of cat and mouse with people being followed and then they settle on a piece of land. Eventually once they move out of that district

³¹² Q 254 [Terry Holland, Gypsy Services Manager of Buckinghamshire County Council]

council area – and this is coming back to the silo point – or indeed out of that force area it is no longer that area’s problem.”³¹³

221. The Minister of State for Housing and Planning, the Rt. Hon Keith Hill MP appears to accept that the new powers may, in George Summers’ words, “be putting the cart before the horse”³¹⁴:

“It is partly the issue of the provision of transit sites. I think the Chief Constable was absolutely right. It is very difficult to take action in terms of moving people on if the legislation requires that there should be sites they can move on to and they are not there of course, as you know. We have had a funding stream in the past period which has been about both the refurbishment of existing sites and the provision of transit sites. Within the context of the spending review we will obviously want to look at future allocations.”³¹⁵

222. The Association also argue that enhanced powers do not tackle anti-social behaviour within the travelling community. They stress that anti-social Travellers should not be directed to sites, because they will disrupt the settled and travelling communities in their immediate area. They suggest the enhanced powers should include “the ability for the local authority to remove disruptive elements of the travelling community irrespective of the accommodation provided for unauthorised camping”.³¹⁶ They add, “It is this minority of disruptive travellers that are causing problems for the majority of the travelling community”.³¹⁷ It has been suggested that Anti-Social Behaviour Orders (ASBOs) should be taken out against anti-social Gypsies and Travellers, but the National Association of Gypsy and Traveller Officers argue that these are impractical:

“Anti-Social Behaviour Orders are not a practical solution for encampments that by their very nature are transient and of a short-stay duration. To obtain Anti-Social Behaviour orders a significant amount of evidence is required plus the ability of the occupants to remain in one place, therefore unless the encampment is allowed to remain in-situ over an extended lengthy period, the Anti-Social Behaviour Order will be ineffective. When addressing temporary and short-stay sites, the occupants will merely move before such an order is even obtained. Using the new powers of enhanced possession will negate any such Anti-Social Behaviour Order objective.”³¹⁸

223. Chief Constable Alistair McWhirter, ACPO representative, told us that managing anti-social behaviour in the Gypsy and Traveller community is as tough as it is in the settled community. He stresses the need to set standards and for all relevant parties to communicate:

³¹³ Q 268-9 [Alistair McWhirter, Chief Constable of Suffolk and representative of the Association of Chief Police Officers]

³¹⁴ Q 256 [George Summers, Gypsy and Traveller Service Manager for Hampshire County Council and Secretary of the National Association of Gypsy and Traveller Liaison Officers]

³¹⁵ Q 356 [Rt. Hon Keith Hill, a Member of the House, Minister of State for Housing and Planning, Office of the Deputy Prime Minister]

³¹⁶ HC 63-III, Ev 78, [National Association of Gypsy and Traveller Officers]

³¹⁷ HC 63-III, Ev 78, [National Association of Gypsy and Traveller Officers]

³¹⁸ HC 63-III, Ev 78, [National Association of Gypsy and Traveller Officers]

“I think the only thing that can be done at a local level in terms of reducing anti-social behaviour is to keep dialogue going right from the start. I think the new guidance [ODPM guidance on Managing Unauthorised Camping] which has been issued is extremely helpful in relation to giving good examples of how that dialogue can be first of all made and then maintained. I think it comes down to having good Gypsy and Traveller liaison officers; it comes down to having named individuals in police forces.[...]. In the local authority but then having named police officers who are also liaison people so that the local authority and the police are working together as one. That is why I am pleased that the guidance – although it has not yet been formally launched in a broader sense – gives clear plans as to how you can set up a local strategy and to work that through. I think that if those areas that are affected by Gypsies and Travellers moving in do have plans in place in relation to that you will at least be able to start the process of being able to create a dialogue with the Gypsy and Traveller community to be able to help them to eradicate that sort of behaviour while people are camping in their particular area. I think that is about setting up agreements at a local level about what you will do about rubbish, about behaviour generally and all those sorts of things which is saying that if there is a period of toleration then they will only be tolerated if they comply with these sets of standards. I think the standards that are applied should be the same standards that apply to the settled community; we are not asking for more of Gypsies and Travellers than we are of the settled community.”³¹⁹

224. We have received evidence from a number of organisations and individuals highlighting the anger they feel when groups of Gypsies and Travellers camp illegally on land which they do not own. It can be a long and difficult process, entailing huge expense, to move people on. However, most illegal encampments stem from lack of legal places to stop. If the Government were to re-introduce a statutory duty, and to require local authorities to take swift action to implement the duty, then many Gypsies and Travellers would move onto legal sites. The police would then be able to use their powers to move on illegal campers much more quickly because there would be spaces on sites to move Gypsies and Travellers onto. The Gypsy and Traveller community would have a responsibility to recognise that if sites were provided, illegal encampments would not be accepted nor tolerated. With adequate site provision the legal profession should be able to support landowners seeking to evict Gypsies and Travellers from illegal encampments. We recommend that when sufficient numbers of sites are in place, the number of days that must pass before evictions can be enacted should be reduced.

225. We have been told that the police have sufficient powers to deal with illegal encampments provided that there are enough sites. However we have concerns that the police may have insufficient powers to tackle anti-social behaviour within the travelling community. Anti-Social Behaviour Orders are not workable for Gypsies and Travellers who are not resident on permanent sites. We recommend the Government use the proposed Gypsy and Traveller Taskforce to identify ways in which anti-social behaviour within the travelling community can be addressed.

³¹⁹ Q272-3 [Alistair McWhirter, Chief Constable of Suffolk and representative of the Association of Chief Police Officers]

17 Partnership working

226. Several witnesses have told us that agencies are failing to work together to tackle the needs of the Gypsy and Traveller community:

“We know for a fact that the Police Reform Act 2003 gave certain powers to the police; they do not use them. I believe section 17 of the Crime and Disorder Act suggests that the police and local authorities should combine in such a way as to make sure there is no crime or disorder in a community. The fact is in my local authority they do not join up, there is no joined-up thinking and as a consequence villages suffer.”³²⁰

West Sussex County Council prepared a strategy on Gypsies and Travellers based on the views of interested parties, the strategy noted that:

“Respondents are critical of the perceived lack of liaison between the authorities concerned (including the police) and their unwillingness to support parish councils and individual landowners, farmers and small businesses in dealing with enforcement problems on private land.”³²¹

The Association of Chief Police Officers is also critical of the lack of inter-agency co-operation, especially in relation to unauthorised camping. They told us:

“In terms of managing unauthorised camping what the document [ODPM Guidance on Managing Unauthorised Camping] does not do is address the issue of police and local authorities and indeed other agencies working in silos based on local authority areas. An example might be [that] a group of Travellers moves on to a brown-field site on the outskirts of a particular town. They are tolerated for almost two weeks, despite rising community tensions because of mess and complaints of anti-social behaviour by Travellers, before moving off under threat of use of Section 61 (the powers under Section 62 are rarely used because Travellers invariably move on just before it is invoked). They leave a site which costs £3000 to clear up because of waste, a stripped down car and industrial debris from the wire-stripping process being carried out by the Travellers. The collective response from the police, local authority and the community in general is to breathe a sigh of relief. The local authority clears the site and it is “target hardened” to make it more difficult for Travellers to get on to in future. The same Travellers move into another local authority area and the process begins all over again. No information is shared about the environmental damage, no reparation is sought from the Travellers for the cost of the clear-up and no intelligence is gathered and passed on about the anti-social behaviour of individuals among this group of people.” Equally those Travellers leading positive and law abiding lives within that community will be regarded by some as being guilty of similar behaviour.”³²²

³²⁰ Q 181 [Rick Bristow, Chairman, Cottenham Residents Association]

³²¹ West Sussex County Council, *A Strategy on Gypsies and Travellers in West Sussex*, January 2003, pg 12

³²² HC 63-III, Ev 42 [Association of Chief Police Officers]

227. But Pat Weale, Gypsy Services Manager for Worcestershire County Council, argues that some local authorities have forged good working relationships with other agencies such as the police:

“In Worcestershire we have had a policy towards Travellers since 1994 which includes the police and the district councils but we do act as the main point of contact for all Traveller issues as we run the nine sites and deal with most unauthorised encampments. Many private landowners also access us for information on how to respond to Travellers who move on to their land without permission. We are already sitting there waiting for the calls.”³²³

Terry Holland, Gypsy Services Manager of Buckinghamshire County Council agrees:

“In my own case that does exist in that there is a joint working arrangement between ourselves, the districts and the police but that does not apply necessarily nationally. Every authority has its own working arrangements.”³²⁴

228. Rick Bristow, Chairman of Cottenham Residents Association told us that there is a lack of co-operation between different tiers of the same authority:

“For the past 18 months I have written to both and the county automatically passes it down to district. If there is any element of something which is quasi criminal the district will automatically involve the police, so with anti-social behaviour, for example, it is a police issue, there is no question about that, but the district council will take absolutely no action whatsoever.”³²⁵

One reason for this may be that within each council, the department responsible for Gypsy and Traveller issues varies. Private sites are usually monitored by planning departments, who frequently have little contact with council Gypsy and Traveller liaison officers or the site managers of local authority facilities. This can mean that a private site planning application is submitted, reviewed and turned down without the input of the authorities own liaison officer. Local authority sites are often managed by the Environmental Health rather than Housing department. Even where an authority has a department which deals with housing, environmental, public health, safety and social services functions, it will more often be the case that the actual functions are managed completely separately, with Gypsy and Traveller caravans sites being managed by environmental health officers rather than housing officers. Alistair McWhirter, Chief Constable of Suffolk and representative of the Association of Chief Police Officers told us that this situation is not helpful:

“The difficulty is that all the responsibility for this in the past has fallen between different departments in local authorities – very often the legal department or the environmental health department – but nobody had it written into their job description. Very often if there were Gypsy and Traveller liaison officers appointed by the local authority they did not have a clear line of command back to people in the centre or access to funds to be able to deal with things. Gypsies and Travellers are one of those things which nobody wants to talk about or deal with until there is

³²³ Q 220 [Pat Weale, Gypsy Services Manager for Worcestershire County Council]

³²⁴ Q 220 [Terry Holland, Gypsy Services Manager of Buckinghamshire County Council]

³²⁵ Q 186 [Rick Bristow, Chairman, Cottenham Residents Association]

suddenly a large group of them moving into the area. Suddenly it moves to the top of the list and as soon as they move off it moves back to the bottom of the list again. People need to have plans in place to be able to deal with that. This new guidance is helpful in encouraging that to happen. Its difficulty will be that there will still be places in the country who rarely have Travellers moving in who will not make plans and who will suddenly be faced with a situation where a large group move in, set up camp and they do not have the plans nor the liaisons that need to be in place with the local authority, the police and other agencies in order to make a smooth response to a large group moving onto a common or moving onto a playing field.”³²⁶

229. Hurstpierpoint and Sayers Common Parish Council observed “that there should be more co-operation between all tiers of councils in the event of problems, e.g. to prevent Travellers evicted from a district or parish owned site relocating to a county site and vice-versa”.³²⁷ John Treble, Vice-President and Vice-Chair of Somerset Association of Local Councils told us that in his experience, liaison between district and county councils does not come easily:

“Unfortunately I have lived so long, I have seen all this so many times that I am confused as to whether I am repeating what I heard yesterday or ten years ago, but the notion that there is good liaison automatically between district and county council is not within my experience.”³²⁸

Although some local authorities have made efforts, West Sussex County Council operates an email network to keep Gypsy and Traveller Liaison Officers posted of planned enforcement action.³²⁹

230. Some witnesses have suggested that Gypsies and Travellers do not pay the charges that members of the settled community pay, they argue that agencies need to ensure Gypsies and Travellers are forced to pay taxes and other charges:

“Many of the Travellers do not pay their dues to society such as council tax, income tax, VAT on business activities and even items like television licences. This is a situation that needs to be rectified and might discourage some who simply take up the lifestyle to save money on running their business activities. [...] A more unified approach is required by all authorities including the Inland Revenue, Customs and Excise, Benefits Agency and other similar authorities to ensure that Travellers are paying the taxes and other dues that are paid by the settled community.”³³⁰

Other witnesses have suggested that Gypsies and Travellers claim benefits that they are not entitled to. However in his report ‘Room to Roam’, Dr Colm Power highlights a ‘nomadic claims working group’ which was set up by the then Department for Social Security to

³²⁶ Q 282 [Alistair McWhirter, Chief Constable of Suffolk and representative of the Association of Chief Police Officers]

³²⁷ West Sussex County Council, *A Strategy on Gypsies and Travellers in West Sussex*, January 2003, pg 13

³²⁸ Q 304 [Mr John Treble CBE, Vice-President and Vice-Chair, Somerset Association of Local Councils, National Association of Local Councils]

³²⁹ West Sussex County Council, *A Strategy on Gypsies and Travellers in West Sussex*, January 2003, pg 16

³³⁰ Totton and Eling Town Council, *Views and Responses in respect of Travellers*, 14th July 2004, pg 1-2

develop a regional/national computerised record of benefit claimants including physical appearance to prevent benefit fraud by individuals such as Gypsies and Travellers.³³¹

231. ACPO are concerned that current police powers and Government policies focus on moving the “problem” on. They told us:

“ACPO believes that radical action is needed to break the cycle of environmental damage and anti-social behaviour carried out by a minority of Travellers. Unless something is done like this we will merely continue the same old cycle of moving people on.”³³²

In April 2003 ACPO wrote to Tony McNulty MP, then an ODPM Minister and Bob Ainsworth, a Home Office Minister, suggesting the need for a cross-cutting information system “about those who are involved in unauthorised camping and who cause damage to the environment, disrupt the lives of communities through anti-social behaviour or who carry on businesses where no VAT or Income Tax is paid and where often shoddy work is perpetrated upon unsuspecting customers.”³³³ The aim of the suggested system is to share information between police, local authorities, the Environment Agency, Customs and Excise, Inland Revenue and Trading Standards officers:

“I think it would be similar to the New Age Traveller monitoring system of the 1980’s and 1990’s because that was really the model that was adopted then for dealing with unauthorised camping by New Age Travellers at a time when they were going round in very large groups and causing major disruption to the life of individual communities. I would see this working in a similar way but slightly differently. First of all I think there needs to be a national database which is maintained and which can share information with local authorities, with the police, with the Environment Agency and with trading standards and, if it were thought appropriate, also with the Inland Revenue and Customs and Excise. This has to do with two aspects, one is environmental damage caused by people who camp in an unauthorised way and then move on and leave that damage and cause disruption to the life of the community. The second aspect is to do with issues around the avoidance of duty, the avoidance of VAT and industrial processes which are carried out by some Travellers, particularly in the West Midlands area where there is a lot of wire stripping and burning going on on these individual sites. There is a huge amount of turnover in terms of money, little of which seems to attract any form of tax or information and I do think there is a taxation opportunity which has been missed here and I feel – although I have no evidence to support this – that both Customs and Excise and Trading Standards are not as involved as they should be with Gypsies and Travellers.”³³⁴

232. Gypsies and Travellers are concerned that such a system would become a database of all Gypsies and Travellers. ACPO recognises their concerns:

³³¹ Dr Colm Power, *Room to Roam, England’s Irish Travellers*, June 2004, pg 7

³³² HC 63-III, Ev 42 [Association of Chief Police Officers]

³³³ HC 63-III, Ev 42 [Association of Chief Police Officers]

³³⁴ Q 276 [Alistair McWhirter, Chief Constable of Suffolk and representative of the Association of Chief Police Officers]

“ACPO has shared this proposal with some Travellers’ groups who are very concerned that such a database would become an index of gypsy Travellers. We appreciate these concerns and feel that if this idea is to be taken further, work would need to be done to ensure that only offenders were entered upon it. Obviously any database would need to be compliant with both Data Protection and Freedom of Information legislation which should offer appropriate protection and opportunity for redress.”³³⁵

It has been suggested that privately some Gypsies and Travellers believe such a system is required in order to tackle the minority of Gypsies and Travellers who give the wider community such a bad name.³³⁶ Chief Constable Alistair McWhirter argues that this is the intention of such a system:

“The last thing I would want would be for it to be an index of Gypsies and Travellers. That would be wholly wrong and I do not think it should even be an index of those who camp in an unauthorised way - although that is unlawful - because I think that in itself would be one step too far in terms of a draconian approach. What I think it should do is to identify and deal quite properly with the minority of people who give Gypsies and Travellers a bad name and who do use their ability to move round the country to avoid their responsibilities to the local communities. [...] I think that the ability to identify individuals who are causing problems, the ability to follow them and serve them with notices or serve them with bills in relation to it and/or indeed to take civil action against them in order to recover debt, would discourage people. What I want to do is to modify their behaviour, not to stop them carrying out their way of life.”³³⁷

He suggested that the information system would be used to set conditions for those Gypsies and Travellers who were known to cause damage or to misbehave:

“We still have significant numbers every night camping in an unauthorised way and it is about somebody arriving in an area and it being found that when they were on their last site or last site but one, they caused £10,000 worth of damage. I think that as a local authority and as a police force you have a right then to say, “If you come and camp in this area then these are the strict rules that we are going to apply to you or you are not going to be allowed to stop in this area or on this particular site”. I know that has the potential for difficulties; I know that it has also the potential for breaching people’s human rights and that one would have to manage this in a very effective way which complied with both the Data Protection Act and also allow Travellers to access the data that was being held on them because they are the data subjects after all. This is not criminal intelligence in its broadest way but I feel it would encourage people who are abusing the system and living above the law at the present time to actually take their responsibilities and comply with the law.”³³⁸

³³⁵ HC 63-III, Ev 42 [Association of Chief Police Officers]

³³⁶ HC 63-III, Ev 42 [Association of Chief Police Officers]

³³⁷ Q 279-80

³³⁸ Q 277

233. ACPO told us that local authorities appear to support the scheme, but ACPO has received little feedback from ODPM or the Home Office.³³⁹ In oral evidence there seemed to be some confusion as to whether ODPM officials had met with ACPO representatives to discuss their proposals. Eventually the Minister told us that although ODPM officials had met with ACPO representatives, ODPM would not be responding to them because it was felt to be an issue for the Home Office:

“I would not want for one moment to deny the receipt of this correspondence. However, my understanding is that this was felt in ODPM to be primarily a matter for the Home Office as indeed, if the Committee reflects about it, would agree. It was actually passed over the Home Office and I am not, alas, in a position to speak for the Home Office. [...]. I think our expectation would be that the Home Office would communicate directly with ACPO on this matter. [...]. It is a silo issue. Yes, I suppose it is a silo issue but at least we passed it over the Home Office. [...]. Officials in ODPM did indeed meet with ACPO as part of the overall review process. [...]. I would expect the response to come from the Home Office.”³⁴⁰

234. We asked the Home Office to comment. In a supplementary note they explained that they “had been carefully considering the need for such a database”³⁴¹ but told us that no database should exclusively target members of an ethnic group. However they added that a new national intelligence IT system for the police in England and Wales, ‘IMPACT’³⁴² will enable improved data sharing, intelligence analysis and record keeping between forces, reducing the need for a separate database. The Home Office aim to provide a rolling release of new systems and capabilities over the next two to two and a half years. In the short term the Home Office stress that “the Criminal Records Bureau will have an index of police records so that it can tell which forces hold information on a particular person for vetting purposes.”³⁴³

235. The Government needs to ensure all agencies, including Trading Standards, Inland Revenue/Customs and Excise, and the Environment Agency tackle any criminality within the Gypsy and Traveller community, especially relating to waste crimes, tax - including VAT - and benefit fraud. The proposed police national intelligence system. ‘IMPACT’ will be a useful tool in tracking and dealing with anti-social behaviour in the Gypsy and Traveller community. However, this system will not be available for at least another two years. In the meantime agencies and local authorities must work hard to develop communication channels between all relevant departments and officers working on mainstream policies which are relevant to the travelling community. Email networks, and electronic good practice forums may provide a useful framework.

³³⁹ HC 63-III, Ev 42 [Association of Chief Police Officers]

³⁴⁰ Q 358-364

³⁴¹ HC 63-III, Ev 117, [Home Office]

³⁴² The name stands for Intelligence Management, Prioritisation, Analysis, Co-ordination and Tasking (GTS 53).

³⁴³ HC 63-III, Ev 117, [Home Office]

Conclusions and recommendations

Introduction

1. We welcome the Government's review of accommodation policy, although we want to emphasise the need for swift progress in order to show both the Gypsy and Traveller community, and settled community, that the Government is willing to make difficult decisions and tackle these issues head on. (Paragraph 12)

Definitions

2. Many Gypsies and Travellers now live increasingly sedentary lifestyles. The current definitions imply that those within the community who do not adopt a nomadic lifestyle are not actually Gypsies and Travellers. Any new definition should comprise both the alternatives of ethnic origin or similar, and nomadic lifestyle. However, we advise the Government to exercise caution in considering applying different definitions for different policies. There is already a lot of confusion surrounding definitions of Gypsies and Travellers and we would not want to see a situation where multiple definitions add to the confusion. In addition we are concerned that the issue of defining Gypsies and Travellers may be over-emphasised. The Equality of Opportunity Committee at the National Assembly for Wales recently argued that Gypsies and Travellers should have the right to self-identify. We agree with this approach, but believe that self-identification must be supported by evidence. This may enable all parties to move forward and address the problems associated with accommodation provision. (Paragraph 63)

The Gypsy Caravan Count

3. We welcome ODPM's sponsorship of research to identify ways in which the accuracy and usefulness of the bi-annual count of Gypsy caravans and families can be improved. We also welcome ODPM's progress on implementing improvements to the count, which were piloted in May 2004, and implemented in June 2004. The count is one of the only ways that demand can be quantified; completion should therefore be made compulsory. It is important that all local authorities recognise the importance of accurately completing the count. The Government must recognise that there may be political reasons for authorities to complete the count inaccurately; and must ensure improvements to the count to guard against this. A verification process should be included to ensure that all interested parties are satisfied with the credibility of the statistics. (Paragraph 72)

Demand for Sites

4. An effective way to help reduce unauthorised camping is to have enough legal sites. There is too little accurate information on the levels of need required. The bi-annual Gypsy count is widely viewed as inaccurate. Even if the count is improved, it should be recognised only as a snapshot of what is occurring at time of completion. It may be out of date very quickly due to Travellers moving into, or out of the UK, as new

employment opportunities arise or due to changes in the housing market. Consequently, planning policies should strive to produce a surplus of sites rather than a continuing under-supply. (Paragraph 79)

Types of Accommodation

5. A range of accommodation options should be available through private and local authority provision including stopping places, transit sites and permanent residential sites. A number of transit sites are needed close to the major motorway networks. We recommend that the Government work with local authorities and Gypsy and Traveller representatives to trial the feasibility, usefulness and manageability of a network of short-stay sites. These sites will require firm and visible management in order to ensure appropriate behaviour. (Paragraph 100)
6. Group housing may also be appropriate in some areas of the country. We were impressed with the examples we visited in Ireland. We appreciate that in addition to the financial resource implications of such a scheme, there is a land availability issue which is perhaps less apparent in Ireland. However we recognise that with sufficient political will, land and resources could be found. We recommend that consideration be given to piloting comparable group housing schemes in some of the former industrial areas of England which have large areas of empty homes and/or brownfield land. (Paragraph 101)

The Planning System

7. There is wide support for a regional approach towards assessment of need and provision of accommodation for Gypsies and Travellers. However any new system, including that of housing needs assessments and regional spatial strategies, will take time to have an effect and will need monitoring to ensure production of real change on the ground. We are not convinced that the Minister's proposals will bring about increased provision of sites. Provision of accommodation for Gypsies and Travellers remains too political an issue. If the department pursues this approach, the Secretary of State will need to show strong leadership and reject all regional development plans that fail to make adequate provision for Gypsies and Travellers. (Paragraph 114)

The Political Dimension

8. There is a need for improved communication between the Gypsy/Traveller and settled communities. Politicians must play a lead role in furthering this communication. Politicians must also be prepared to take tough decisions to ensure they address the needs of all of those for whose welfare they are responsible. However, we recognise that this will not be easy, and may be more acceptable within a national framework of required provision. We welcome the idea of a Gypsy Taskforce to spearhead accommodation provision, and recommend that the Government takes immediate steps to create such a group. The first task of such a group should be to consider the re-introduction of a statutory duty to provide accommodation for Gypsies and Travellers. In response to this report we

recommend the Office of the Deputy Prime Minister outlines proposed membership and terms of reference of this group. (Paragraph 123)

A duty to provide?

9. In our report into the draft Housing Bill, published in July 2003 we recommended that within two years the Government should re-introduce a statutory duty on local authorities to make or facilitate provision of sites for Gypsies and Travellers. In their response in November 2003 the Government stated, “it is actively considering the most effective mechanism for the provision of such sites to ensure that the accommodation needs to travellers are met.” We are not satisfied that sufficient progress has been made by the Government since this report. There are a number of mechanisms that should have generated greater provision of sites, including the Gypsy Sites Refurbishment Grant programme. Yet over 3500 Gypsies and Travellers still have no legal place to stop and unauthorised encampments continue to cause disruption and frustration in many parts of the country. This situation is unlikely to change without some form of Government intervention. The evidence we have received points to the need for the Government to re-introduce a statutory requirement for local authorities to provide accommodation for Gypsies and Travellers resorting to or residing in their areas. The Local Government Association suggests that the duty should not be imposed on all local authorities. However, without a requirement on all authorities, the situation will continue where some authorities meet the needs of the whole of the Gypsy and Traveller community. There must be a national response with a duty imposed on all local authorities based on assessment of need at regional level. The Government should establish a Gypsy and Traveller Taskforce to ensure site vacancies are co-ordinated across the region and throughout the country. The Minister has outlined his hopes that regional spatial strategies and regional plans will be used to assess and provide for that need. We recommend he goes one step further and places a requirement on local authorities to meet that need. The Government must provide a statutory framework, political leadership and capital funding. We recommend that a capital grant is provided to ensure local authorities are able to develop new sites which are consistent with revised design guidelines. Local authorities who do make adequate provision for Gypsies and Travellers in their areas should be rewarded with additional non ring-fenced funding. Consideration might also be given to encouraging motorway contractors and other employers of large groups of Gypsies and Travellers who may have land available, to provide sites for the duration of their employment. (Paragraph 138)

The Gypsy Site Refurbishment Grant

10. The Gypsy Sites Refurbishment Grant scheme has improved the condition of many local authority Gypsy and Traveller sites in England, and we are pleased that ODPM has extended the scheme into 2004-5. One consequence of the modernisation of sites has been the reduction in the number of pitches available. Although we welcome the extension of the scheme to allow grant applications for development of new transit sites and emergency stopping places, there is still a need to allow applications for the development of new residential sites. If the Government does not re-introduce a

statutory duty on local authorities to provide accommodation for Gypsies and Travellers, then we recommend the grant scheme should also be extended to include applications for the development of private sites, including those built by registered social landlords. (Paragraph 147)

Sites

11. Most of the witnesses to this inquiry argued that smaller Gypsy and Traveller sites integrate better with the local settled community, and are easier to manage. In the Committee's view permanent sites should have no more than 18 pitches. We therefore recommend that all sites should be small and not disproportionate to the size of the community in which they are placed. We suggest that when planning permission is given for a site, a cap should be placed on the number of people who are resident on the site, whilst allowing some flexibility for natural increase. The number of long-term visitors on a site should be controlled by planning powers and enforced by the site manager. (Paragraph 152)
12. The locations of many existing Gypsy and Traveller sites are poor in respect of isolation from services and/or proximity to noisy or polluting land uses. It is important to remember that Gypsy and Traveller sites are residential. We recommend they should be located only in areas considered appropriate for general residential use. Sites should be within realistic access of services and allow interaction between the Gypsy and Traveller and settled communities. (Paragraph 157)
13. The current guidelines relating to site design and standards urgently need updating in the light of modern space standards and services, health and safety provisions and requirements for catering for disability. Guidance should cover both residential sites and transit sites and stopping places. We are pleased that the Government has recognised the need for swift action on this issue. Given the amount of research and literature already available, not least the Republic of Ireland's design guide, we recommend that the Government publish a draft revised guide for consultation along with the response to this report. (Paragraph 163)

Site Licence Fees

14. Many residents on Gypsy and Traveller sites are in receipt of housing benefit. On county council sites the rent service sets the level of benefit provided. We have received evidence from many groups that the levels set are lower than the rents charged because of the system the rent service uses to assess comparative local rents. Site residents are themselves responsible for paying the difference although we have been told many are unable to meet the extra costs and may be forced back onto the road unless the debt is erased. The county council are then left to absorb the rent arrears and other charges. This situation is at odds with Government policy which seeks to move Gypsies and Travellers off the roadside onto approved sites. The Government have been aware of this anomaly since 2001. We are shocked by the procrastination and lack of co-ordination between Government departments over this issue. The Department for Work and Pensions has now set up a research group, expected to report in summer 2005 to "consider the feasibility of a single set of Housing benefit controls to apply to all Gypsy sites". This is unacceptable. The issues

are well known; the National Association of Gypsy and Traveller Officers has already undertaken a research project examining site rents and has proposed a series of recommendations to address the current anomalies. Lord Avebury has also conducted extensive work on this issue and is well placed to offer advice. In the response to this report the Government must respond to the recommendations made by the National Association of Gypsy and Traveller Officers and Lord Avebury. They must also explain why it has taken so long to tackle this issue, and why it is necessary to conduct additional research. Finally, they must outline a timeline of action, including proposed amendments to current legislation. (Paragraph 173)

Security of Tenure

15. Gypsies and Travellers are keen to secure better security of tenure, which would mean they would be given longer notice periods if asked to leave a site. A recent European Court ruling suggests Gypsies and Travellers on local authority sites will gain greater security of tenancy. We recognise that many Gypsies and Travellers may have been resident on permanent sites for long periods, and accept that minimal notice periods are unjust. However, managers of sites must be able to move people on quickly if conflicts emerge. We are concerned that the recent European court ruling, and decision of ODPM to refer the matter to the Law Commission may place local authorities and Gypsy/Traveller site managers in a difficult position should evictions become necessary before the issue is clarified. We recommend that ODPM immediately issue legal advice to all local authorities. (Paragraph 176)

Site Management

16. Effective site management is key to the success of Gypsy and Traveller sites. There is no real consensus as to whether a particular management arrangement works better than any other. Some believe that Gypsies and Travellers make better managers because they understand the culture of the residents, but others argue sites managed by Gypsies and Travellers operate harsher management regimes and selective lettings policies. Whichever management approach is adopted, regular site presence by a manager is vital. Ideally sites should have a residential manager. Site management should be firm, fair and consistent, treating all residents equally and taking action early if residents break site licence agreements. Site managers should seek to involve residents in management issues so that they take on more responsibility for their site. Local authorities should consider running capacity building programmes on sites to generate the necessary skills, perhaps using funds available through the ODPM Supporting People programme. The Government must emphasise the importance of good site management and must be prepared to offer guidance, and facilitate assembling and sharing of good practice materials. Any Government funded programmes, such as the Gypsy Sites Refurbishment Grant, should require assessment of site management before awards are granted. (Paragraph 185)
17. We welcome the initiative of the South-West region in developing training opportunities for Gypsy and Traveller site managers. Unfortunately such schemes are few and far between, and lack recognition. The Government and Local

Government Association must make efforts to provide training opportunities for Gypsy and Traveller site managers as they do for Registered Social Landlords in mainstream housing management. National frameworks should also be established which will allow managers to benchmark their performance against other site managers. Mechanisms should be available to allow officers to share good practice. We welcome the intention of the Local Government Association to develop web-based networks to facilitate this. We recommend that the Office of the Deputy Prime Minister update us on the progress of this project in their response to this report. Career paths must be developed for site managers and local authority officers involved with Gypsy and Traveller policy areas. A regional approach to provision of sites would generate more opportunities, as would closer interaction between neighbouring authorities. (Paragraph 190)

Anti-Social Behaviour

18. Historically the Gypsy and Traveller community has protected itself in the face of racism. The relationship between the police and the travelling community has not always been easy, however tackling anti-social behaviour within the Gypsy and Traveller community will require building of trust between these groups and improved communication. On our visit to the Appleby horsefair we were told that the Gypsy organisers, council and police had established an excellent working relationship. We hope such good practice can be replicated. Gypsies and Travellers must accept some of the responsibility for eradicating the anti-social element from their communities. Without support from the travelling community, the police are unable to clamp down on the unruly and disruptive. Witnesses to incidents must be prepared to come forward and testify. The situation would be further helped if there was one overseeing body for Gypsies and Travellers, such as the Showmen's Guild for that part of the travelling community. Representative groups must set an example to the community, and must not allow historic grievances to divide the community they purport to lead and undermine the leadership they are placed to offer. (Paragraph 199)
19. Gypsies and Travellers are not responsible for all waste crime and fly-tipping, and may be an easy target. However, there are some members of the travelling community who are responsible for such crimes. Gypsies and Travellers have a duty to dispose of waste appropriately, and to help local authorities tackle environmental anti-social behaviour by reporting waste crimes. We accept that increased site provision would reduce the number of unauthorised encampments, and by association the amount of fly-tipped waste. We welcome the steps being taken by the Department for Environment, Food and Rural Affairs, and the Environment Agency to develop more effective ways to tackle fly-tipping and waste crime. Fly-tipping is dangerous, unhealthy and an eyesore, however, householders must adopt a more responsible attitude towards having their waste removed. It is unlikely that a "man with a van" and a mobile phone is a responsible contractor who will dispose of waste appropriately. We recommend that the Government seeks Parliamentary approval for a tighter system of registration for waste carriers in order to clamp down on irresponsible contractors who undermine legitimate, responsible businesses. Local authorities should consider using CCTV systems on vulnerable land in order to try

and secure convictions for fly-tipping. The courts must award stringent penalties for convictions in such cases. (Paragraph 207)

Unauthorised encampments

20. We have received evidence from a number of organisations and individuals highlighting the anger they feel when groups of Gypsies and Travellers camp illegally on land which they do not own. It can be a long and difficult process, entailing huge expense, to move people on. However, most illegal encampments stem from lack of legal places to stop. If the Government were to re-introduce a statutory duty, and to require local authorities to take swift action to implement the duty, then many Gypsies and Travellers would move onto legal sites. The police would then be able to use their powers to move on illegal campers much more quickly because there would be spaces on sites to move Gypsies and Travellers onto. The Gypsy and Traveller community would have a responsibility to recognise that if sites were provided, illegal encampments would not be accepted nor tolerated. With adequate site provision the legal profession should be able to support landowners seeking to evict Gypsies and Travellers from illegal encampments. We recommend that when sufficient numbers of sites are in place, the number of days that must pass before evictions can be enacted should be reduced. (Paragraph 224)
21. We have been told that the police have sufficient powers to deal with illegal encampments provided that there are enough sites. However we have concerns that the police may have insufficient powers to tackle anti-social behaviour within the travelling community. Anti-Social Behaviour Orders are not workable for Gypsies and Travellers who are not resident on permanent sites. We recommend the Government use the proposed Gypsy and Traveller Taskforce to identify ways in which anti-social behaviour within the travelling community can be addressed. (Paragraph 225)

Partnership working

22. The Government needs to ensure all agencies, including Trading Standards, Inland Revenue/Customs and Excise, and the Environment Agency tackle any criminality within the Gypsy and Traveller community, especially relating to waste crimes, tax - including VAT - and benefit fraud. The proposed police national intelligence system. 'IMPACT' will be a useful tool in tracking and dealing with anti-social behaviour in the Gypsy and Traveller community. However, this system will not be available for at least another two years. In the meantime agencies and local authorities must work hard to develop communication channels between all relevant departments and officers working on mainstream policies which are relevant to the travelling community. Email networks, and electronic good practice forums may provide a useful framework. (Paragraph 235)

Formal minutes

Tuesday 26 October 2004

Members present:

Andrew Bennett, in the Chair

Sir Paul Beresford

Chris Mole

Mr Clive Betts

Mr Bill O'Brien

Mr David Clelland

Mr Adrian Sanders

The Committee deliberated.

Draft Report (Gypsy and Traveller Sites), proposed by the Chairman, brought up and read.

Ordered, That the Chairman's draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 235 read and agreed to.

Summary read and agreed to.

Resolved, That the Report be the Thirteenth Report of the Committee to the House.

Ordered, That the Chairman do make the Report to the House.

Ordered, That the Appendices to the Minutes of Evidence taken before the Committee be reported to the House.

Ordered, That the provisions of Standing Order No. 134 (Select committee (reports)) be applied to the Report.

[The Committee adjourned.]

Witnesses

Tuesday 22 June 2004

Dr Donald Kenrick

Dr Rob Home

Ms Siobhan Spencer, Coordinator, Derbyshire Gypsy Traveller Liaison Group

Ms Catherine Beard, Chair, National Association of Gypsy Women

Mr Tom Sweeney, Co-chair, Irish Traveller Movement Britain

Mr Cliff Codona, Chair, National Travellers' Action Group

Mr Charles Smith, Chair, Gypsy Council

Mr Hughie Smith, President, and **Mr Tom Lingard**, Assistant Secretary, the Gypsy Council (Romani Kris)

Tuesday 29 June 2004

Ms Sarah Spencer, Deputy Chair, and **Ms Sasha Barton**, Senior Policy Officer, Gypsies and Travellers, Commission for Racial Equality

Ms Pat Niner, Researcher into the Bi-Annual Gypsy and Traveller Counts

Mr Rick Bristow, Chairman, Cottenham Residents' Association

Dr Angus Murdoch, Travellers' Advisor, Travellers' Advice Team, Community Law Partnership

Mr George Summers, Gypsy Liaison Officer, Hampshire County Council, **Mr Terry Holland**, Gypsy Liaison Officer, Buckinghamshire County Council, **Mr Ian Cairns**, Gypsy Liaison Officer, Somerset County Council, and **Ms Pat Weale**, Gypsy Liaison Officer, Worcestershire County Council, National Association of Gypsy and Traveller Liaison Officers

Tuesday 13 July 2004

Chief Constable Alastair McWhirter QPM MA, Association of Chief Police Officers

Councillor Susie Kemp, Chairman of LGA Planning Executive, **Councillor Chloe Lambert**, Deputy Chairman of LGA Planning Executive, and **Mr Lee Searles**, Programme Manager for Planning and Transport, Local Government Association

Mr Michael Green, Policy and Parliamentary Affairs Manager, and **Mr John Treble CBE**, Vice Chair, Somerset Association of Local Councils, National Association of Local Councils

Rt Hon Keith Hill, a Member of the House, Minister of State for Housing and Planning, Office of the Deputy Prime Minister

Ms Dawn Eastmead, Head of Housing Management Division, and **Mr John Stambollouian**, Head of Planning Directorate Division, Office of the Deputy Prime Minister

Visit to Appleby Horse Fair, 7 June 2004

Interview with Mr Paul Winter

Interview with Mr Jimmy Coltman

Interview with Mr Billy Brough

Interview with Mr Gordon Boswell

List of supplementary written evidence

Memoranda GTS 01 to GTS 39 were published as HC 633-II, Session 2003-04
on 17 June 2004

- Supplementary Memorandum by the Gypsy Council (Romani Kris) (GTS 04(c))
- Supplementary Memorandum by the Gypsy Council (Romani Kris) (GTS 04(d))
- Supplementary Memorandum by the Traveller Law Reform
Coalition (TLRC) (GTS 12(d))
- Supplementary Memorandum by the Travellers' Advice Team,
Community Law Partnership (GTS 14(b))
- National Association of Gypsy and Traveller Liaison Officers (GTS 40)
- Supplementary Memorandum by the National Association of Gypsy
and Traveller Liaison Officers (GTS 40(a))
- Supplementary Memorandum by the National Association of Gypsy
and Traveller Liaison Officers (GTS 40(b))
- Phillip John Plato (GTS 41)
- Association of Chief Police Officers (ACPO) (GTS 42)
- Supplementary Memorandum by the Association of Chief
Police Officers (ACPO) (GTS 42(a))
- Gypsy Council (GTS 43)
- National Association of Teachers of Travellers (NATT) (GTS 44)
- Derbyshire Gypsy Liaison Group (GTS 45)
- Greater London Authority (GLA), Mayor's Office (GTS 46)
- Wychavon District Council (GTS 47)
- Environment Agency (GTS 48)
- Supplementary Memorandum by the Environment Agency (GTS 48(a))
- Lord Avebury (GTS 49)
- Ann S Dean (GTS 50)
- Department for Work and Pensions (GTS 51)
- Department for Trade and Industry (DTI) (GTS 52)
- Supplementary Memorandum by the Office of the Deputy
Prime Minister (GTS 01(a))
- Supplementary Memorandum by the Gypsy Council (Romani Kris) (GTS 04(f))
- Supplementary Memorandum by the Local Government Association (LGA) (GTS 38(a))

List of unprinted written evidence

Additional papers have been received from the following and have not been reported to the House but to save printing costs they have not been printed and copies have been placed in the House of Commons library where they may be inspected by Members. Other copies are in the Record Office, House of Lords and are available to the public for inspection. Requests for inspection should be addressed to the Record Office, House of Lords, London SW1. (Tel. 020 7219 3074) hours of inspection are from 9:30am to 5:00pm on Mondays to Fridays.

Memorandum by Joanna Clark

Memorandum by Janet Grimwood

Memorandum by M. Donachy

Memorandum by Mr Graham Borgonon

Memorandum by Anna Mari Fox

Memorandum by Mr Ross Hetherington

Memorandum by Mr Alan J Buck

Reports from the ODPM Committee since 2002

The following reports have been produced by the Committee since 2002. The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

Session 2003–04

First Report	ODPM Annual Report and Accounts 2003	HC 102-1 (<i>CM 6141</i>)
Second Report	Annual Report to the Liaison Committee	HC 221
Third Report	The Fire Service	HC 43-1 (<i>CM 6154</i>)
Fourth Report	Coalfield Communities	HC 44-1 (<i>CM 6265</i>)
Fifth Report	Decent Homes	HC 46-1 (<i>CM 6266</i>)
Sixth Report	Social Cohesion	HC 45-1 (<i>CM 6284</i>)
Seventh Report	Postal Voting	HC 400-1 (<i>HC 973</i>)
Eighth Report	The Role and Effectiveness of the Housing Corporation	HC 401-1 (<i>CM 6351</i>)
Ninth Report	Local Government Revenue	HC 402-1 (<i>CM 6328</i>)
Tenth Report	Supporting Vulnerable and Older People: The Supporting People Programme	HC 504-1 (<i>CM 6348</i>)
Eleventh Report	The Role of Historic Buildings in Urban Regeneration	HC 47-1
Twelfth Report	Draft Planning Policy Statement 6: Planning for Town Centres	HC 952

Session 2002-03

First Report	Local Government Finance: Formula Grant Distribution	HC 164 (<i>CM 5753</i>)
Second Report	Annual Report to the Liaison Committee	HC 288
Third Report	Affordable Housing	HC 77 (<i>CM 3783</i>)
Fourth Report	Planning, Competitiveness and Productivity	HC 114 (<i>CM 5809</i>)
Fifth Report	Departmental Annual Report and Estimates	HC 78 (<i>CM 5841</i>)
Sixth Report	The Evening Economy and the Urban Renaissance: Interim Report [Responding to issues in the Licensing Bill]	HC 541 (<i>HC 750</i>)
Seventh Report	The Effectiveness of Government Regeneration Initiatives	HC 76-1 (<i>CM 5865</i>)
Eighth Report	Planning for Sustainable Communities: Sustainable Communities in the South East	HC 77-1 (<i>CM 5985</i>)
Ninth Report	Reducing Regional Disparities in Prosperity	HC 492-1 (<i>CM 5958</i>)
Tenth Report	The Draft Housing Bill	HC 751-1 (<i>CM 6000</i>)
Eleventh Report	Living Places: Cleaner, Safer, Greener	HC 673-1 (<i>CM 5989</i>)
Twelfth Report	The Evening Economy and the Urban Renaissance	HC 396-1 (<i>CM 5971</i>)