



House of Commons

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

Gypsy and Traveller Sites

Thirteenth Report of Session 2003–04

Volume III

Oral and supplementary written evidence

*Ordered by The House of Commons
to be printed 26 October 2004*

HC 633-III
Published on 8 November 2004
by authority of the House of Commons
London: The Stationery Office Limited
£14.50

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.

Current membership

Andrew Bennett MP (*Labour, Denton and Reddish*) (Chairman)

Sir Paul Beresford MP (*Conservative, Mole Valley*)

Mr Clive Betts MP (*Labour, Sheffield Attercliffe*)

Mr Graham Brady MP (*Conservative, Altrincham & Sale West*)

Mr David Clelland MP (*Labour, Tyne Bridge*)

Mr John Cummings MP (*Labour, Easington*)

Mrs Eleanor Laing MP (*Conservative, Epping Forest*)

Chris Mole MP (*Labour, Ipswich*)

Mr Bill O' Brien MP (*Labour, Normanton*)

Christine Russell MP (*Labour, City of Chester*)

Mr Adrian Sanders (*Liberal Democrat, Torbay*)

Powers

The Committee is one of the departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No 152. These are available on the Internet via www.parliament.uk.

Publications

The Reports and evidence of the Committee are published by The Stationery Office by Order of the House. All publications of the Committee (including press notices) are on the Internet at www.parliament.uk/parliamentary_committees/odpm.cfm.

Committee staff

The current staff of the Committee are Kate Emms (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

Witnesses

	<i>Page</i>
Tuesday 22 June 2004	
Dr Donald Kenrick	Ev 1
Dr Rob Home	Ev 1
Ms Siobhan Spencer , Coordinator, Derbyshire Gypsy Traveller Liaison Group	Ev 5
Ms Catherine Beard , Chair, National Association of Gypsy Women	Ev 5
Mr Tom Sweeney , Co-chair, Irish Traveller Movement Britain	Ev 5
Mr Cliff Codona , Chair, National Travellers' Action Group	Ev 5
Mr Charles Smith , Chair, Gypsy Council	Ev 5
Mr Hughie Smith , President, and Mr Tom Lingard , Assistant Secretary, the Gypsy Council (Romani Kris)	Ev 12
Tuesday 29 June 2004	
Ms Sarah Spencer , Deputy Chair, and Ms Sasha Barton , Senior Policy Officer, Gypsies and Travellers, Commission for Racial Equality	Ev 18
Ms Pat Niner , Researcher into the Bi-Annual Gypsy and Traveller Counts	Ev 21
Mr Rick Bristow , Chairman, Cottenham Residents' Association	Ev 24
Dr Angus Murdoch , Travellers' Advisor, Travellers' Advice Team, Community Law Partnership	Ev 26
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	Ev 29
Tuesday 13 July 2004	
Chief Constable Alastair McWhirter QPM MA , Association of Chief Police Officers	Ev 37
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	Ev 42

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 Ev 42

Rt Hon Keith Hill, a Member of the House, Minister of State for Housing and Planning, Office of the Deputy Prime Minister Ev 46

Ms Dawn Eastmead, Head of Housing Management Division, and **Mr John Stambollouian**, Head of Planning Directorate Division, Office of the Deputy Prime Minister Ev 46

Visit to Appleby Horse Fair, 7 June 2004

Interview with Mr Paul Winter Ev 54

Interview with Mr Jimmy Coltman Ev 56

Interview with Mr Billy Brough Ev 57

Interview with Mr Gordon Boswell Ev 61

List of supplementary written evidence

Memoranda GTS 01 to GTS 39 published as HC 633-II on 17th June 2004

Supplementary Memorandum by the Gypsy Council (Romani Kris) (GTS 04(c))	Ev 67
Supplementary Memorandum by the Gypsy Council (Romani Kris) (GTS 04(d))	Ev 75
Supplementary Memorandum by the Traveller Law Reform Coalition (TLRC) (GTS 12(d))	Ev 76
Supplementary Memorandum by the Travellers' Advice Team, Community Law Partnership (GTS 14(b))	Ev 77
National Association of Gypsy and Traveller Liaison Officers (GTS 40)	Ev 78
Supplementary Memorandum by the National Association of Gypsy and Traveller Liaison Officers (GTS 40(a))	Ev 81
Supplementary Memorandum by the National Association of Gypsy and Traveller Liaison Officers (GTS 40(b))	Ev 83
Phillip John Plato (GTS 41)	Ev 84
Association of Chief Police Officers (ACPO) (GTS 42)	Ev 88
Supplementary Memorandum by the Association of Chief Police Officers (ACPO) (GTS 42(a))	Ev 89
Gypsy Council (GTS 43)	Ev 90
National Association of Teachers of Travellers (NATT) (GTS 44)	Ev 93
Derbyshire Gypsy Liaison Group (GTS 45)	Ev 95
Greater London Authority (GLA), Mayor's Office (GTS 46)	Ev 97
Wychavon District Council (GTS 47)	Ev 98
Environment Agency (GTS 48)	Ev 99
Supplementary Memorandum by the Environment Agency (GTS 48(a))	Ev 99
Lord Avebury (GTS 49)	Ev 100
Ann S Dean (GTS 50)	Ev 105
Department for Work and Pensions (GTS 51)	Ev 107
Department for Trade and Industry (DTI) (GTS 52)	Ev 108
Supplementary Memorandum by the Office of the Deputy Prime Minister (GTS 01(a))	Ev 109
Supplementary Memorandum by the Gypsy Council (Romani Kris) (GTS 04(f))	Ev 110
Supplementary Memorandum by the Local Government Association (LGA) (GTS 38(a))	Ev 115
Supplementary Memorandum by the Traveller Law Reform Coalition (TLRC) (GTS 12(e))	Ev 116
Home Office (GTS 53)	Ev 117

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

Oral evidence

Taken before the Office of the Deputy Prime Minister:

Housing, Planning, Local Government and the Regions Committee
on Tuesday 22 June 2004

Members present:

Andrew Bennett, in the Chair

Sir Paul Beresford
Mr Clive Betts
Mr David Clelland
Mr John Cummings

Chris Mole
Mr Bill O'Brien
Mr Adrian Sanders

Witnesses: **Dr Donald Kenrick**, and **Dr Rob Home**, examined.

Q1 Chairman: Could I welcome you to the first session of the Select Committee's inquiry into gypsy and traveller sites. Could I point out for anyone who is interested that the evidence we received by the closing date has now been printed in this volume, which you can get if you want to spend £14 or you can get it on the Select Committee's website. Could I welcome the two of you to our first session and ask you to identify yourselves for the record.

Dr Kenrick: I am Dr Donald Kenrick.

Dr Home: Dr Robert Home.

Q2 Chairman: Do either of you want to say anything by way of introduction or are you happy for us to go straight to questions.

Dr Kenrick: I would like to say two things. First of all, I am doing a lot of private planning, which I did not mention in my submission—which is probably why I am here anyway. Also, in the figure of 2,700 which I give, I made an allowance for tolerated sites. That is why my figure of 2,700 may not look the same as the one in the government statistics, since you would have to add tolerated sites and estimates.

Chairman: Thank you.

Q3 Mr Clelland: In the 1968 Caravan Act gypsies are defined as "persons of nomadic habit of life, whatever their race or origin". How many gypsies and travellers still operate a "nomadic habit of life"?

Dr Kenrick: If we are talking about travelling from place to place all around the country on a weekly basis, monthly basis, knocking on doors, I would say about 700 families all the year round.

Q4 Mr Clelland: Out of a total of?

Dr Kenrick: I would say about 10,000 families.

Q5 Mr Clelland: Out of 10,000 there is a very small number who might genuinely be described as gypsies in the sense of the Act.

Dr Kenrick: In that sense, but the courts have decided six weeks in a year is enough, and you can spend the winter not travelling, so it has been modified by the court since then.

Dr Home: My view would be slightly different. You have the count with 13,000 caravans on all kinds of sites, and they attempted to calculate occupancy rates—how many that would be per caravan. You have a large number of authorised sites, where people would be far more resident than not, but they still travel away at certain periods, particularly between April and October. There is the additional test imposed in the courts that they are travelling for an economic purpose, and there is a variety of activities that might go on—dealing and so on. How far you would count horse trading at gypsy fairs as being sufficient economic activity, would depend on the facts of the case. There is a large number of gypsies who are either in a transitional phase towards being settled or who are combining aspects of both ways of life. The figure of 700 that Dr Kenrick has come up with is a new one to me.

Q6 Mr Cummings: How would you define gypsies?

Dr Home: There is a statutory definition and there has been a great deal of case law.

Q7 Mr Cummings: What is the definition?

Dr Home: There is the statutory definition, which presumably you are familiar with: "persons of a nomadic habit of life, whatever their race or origin" and that has been qualified and refined, if you wish, by various judicial interpretations which would take quite a long time to go through. The impact of most of the judicial interpretations has been to impose additional hurdles which a gypsy has to sort of go through before they can pass the test, as it were.

Q8 Mr Cummings: Do we class gypsies as Romanies?

Dr Kenrick: Many Romanies are gypsies and many gypsies are Romanies, but they are not the same. You would have two circles, gypsies and Romanies, and they would interlink. You have Romanies living in houses who have not travelled for probably generations and you have gypsies who are not Romanies. Perhaps I could expand on Dr Home's answer to a previous question. A real problem at the moment is that elderly gypsies who cannot travel any more are now classed by the courts as not gypsies (the **Berry v Wrexham** case, which the House of

22 June 2004 Dr Donald Kenrick and Dr Rob Home

Lords refused to look at again). When a gypsy reaches the age of 70-odd and cannot travel, they are not gypsies, so they cannot go on a site, so they have a bit of a problem there. Similarly, if they are too ill to travel, that is a bit of a problem. This reduces the number of statutory gypsies.

Q9 Sir Paul Beresford: Dr Kenrick gave a figure of 700 for those who are moving—at least partially, as I understood it. What figure would you give? You did not recognise his figure.

Dr Home: He has been doing some detailed work, so I have no doubt that it is based on some serious methodology. The only figures one can really quote unofficially are the unauthorised caravans in the six monthly count statistics. We are talking about 25% of a total of 13,000–14,000 caravans. Those unauthorised caravans may be on their own land, they may be more or less mobile, so, short of interviewing each and every last one of the 13,000 caravan occupants and asking them a series of highly detailed questions, I have drawn a comparison with livestock movement books, to see: When exactly were you away and for what purpose?

Q10 Sir Paul Beresford: “Guesstimate” is the right word, is it?

Dr Home: They are all guesstimates. It is very difficult to do serious demographic work in this area.

Q11 Mr Clelland: Given the restriction on the number of sites and the number of pitches and given what you just said about people finding themselves in a position where they no longer travel because of illness or inability or perhaps because they do not want to, would it not be reasonable to expect people who are no longer travelling as much as the small genuine minority to move into permanent conditions, so that there are more sites for the people who are genuinely travellers?

Dr Kenrick: A lot of Romanies and gypsies have never lived in a house and they do not like the idea of the four walls.

Q12 Mr Clelland: Yes, but that is a small number of the total.

Dr Kenrick: We do not really know.

Q13 Mr Clelland: I thought you told me before it was a small number.

Dr Kenrick: I said there were 700 families moving all the time: 700 nomadic families who need transit sites. The other families are living on their own land or private sites or council sites in the winter and they travel in the summer for a certain number of weeks. Many of those families would not live in a house. They like a mobile home rather than a caravan, perhaps because they get a bit more luxury for the women, with running water and things like that. Men as well benefit from running water. Then there is a decision in the **Clarke v Tunbridge Wells** case which says that if a gypsy has an aversion to housing he cannot be forced to go into housing. It is not suitable accommodation. That is a quite well-known court case.

Q14 Chairman: Is that aversion because of the fabric of the building or because of the costs?

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.

Dr Home: Just to expand on that, 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. The Government has never, except for one brief statement in 1968, had a policy objective of encouraging gypsies to settle down, and the courts have been very wary about that because it could then be seen as a mechanism for getting settled accommodation for people who might or might not be gypsies. The courts have been very cautious on that.

Q15 Chairman: In a lot of European countries a lot of effort has been made to get people to settle down, some of it successfully.

Dr Home: That would be true. I have not done much comparative work in the rest of Europe. The minister back in ’92, when the Criminal Justice Act was being debated, said “not all gypsies are travellers and not all travellers are gypsies”. That is the simple fact of it. One reason why it is very difficult to pin down figures is because it is all related to a habit of life which legally you can have one day and not the next, going back to the original cases in 1959.

Dr Kenrick: There are estates with large numbers of gypsy families living in housing, but they tend to live almost as if they are living in caravans, so you find a lot of activity on the road, there are horses, there are lorries. I do not know how many, but a certain number of gypsy families would like to live in housing if they could have a mixture of housing and caravans with their own kind. That is what has been done in the Republic of Ireland—particularly mentioned in the ODPM report—and that would be something that ought to be looked at more, the possibility of having a mixture of housing and caravans.

Q16 Mr O’Brien: On the question of sites and planning, both of you have made some recommendations on this particular issue. What kind of sites are required? What are we thinking of?

Dr Home: As long as the statutory provision remains as it is, the only new sites are going to come from gypsies themselves pursuing their own applications and these will normally be the small privately owned sites. They would be defined as long-stay or residential sites, even though the patterns of

22 June 2004 Dr Donald Kenrick and Dr Rob Home

movement would continue and do continue. Then there is also, as the University of Birmingham study says, a need for transit sites, which means that when you are moving around you have to stay somewhere. 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.

Dr Kenrick: 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.

Q17 Mr O'Brien: Is there a regional aspect to this? Is there a problem in one region that does not apply to another?

Dr Home: If you look at the statistics, there has been a drift south because of economic opportunities mainly. The pressures are—surprise, surprise—greater in the south east and the eastern region than I believe elsewhere in the country. The other point is that you will have seen in the last couple of days the attention to rural homelessness, referring to young people who cannot afford housing. The same pattern applies to gypsies, to the younger generation. I have a lot of young clients in their early twenties who cannot stay with their parents because the permission does not allow. Sometimes they get an extra caravan so they can stay there, but they often have to go out on their own and that is often where the new cases are coming from.

Q18 Mr O'Brien: Professor Kenrick, you said there should be more council sites. What evidence do you have for that?

Dr Kenrick: The waiting lists. There are waiting lists on nearly every site I know of in the Home Counties. The waiting lists in Essex have been closed, with 25 families on one of them. That is a site with 16 pitches and there are 25 waiting to go on it. It is because it is a well-managed site, I will say that.

Q19 Mr O'Brien: In some of the written evidence given to us, the Wakefield Authority say, “There is no evidence of significant further demand for permanent gypsy sites” in the Wakefield district because people, when they are directed on to the site, refuse to go. This is the conflict we have. You are saying there is evidence of a need for more sites to be made available but some local authorities are saying there is no evidence to that effect.

Dr Home: I think it varies from parts of the country and authority to authority. I am not that familiar with Wakefield. There is a general drift to the south,

plus some of these sites are pretty dire. I have seen one site in Lincolnshire that was empty. It was like a sort of cattle market, concrete pen.

Q20 Mr O'Brien: Why was that?

Dr Home: Why is it empty?

Q21 Mr O'Brien: Why are they like cattle markets? Is it because the local authorities designed them like that?

Dr Home: That is the way it was built: built in the wrong place, the wrong kind of design, like cattle markets—you know, scaffold poles bent to separate the pitches—a very stark—

Q22 Mr O'Brien: These are planning problems, are they?

Dr Home: It is a capital programme problem of the local authority and how they chose the site. So indirectly it is a planning problem, yes.

Q23 Mr O'Brien: How would you address that?

Dr Home: I think I would move some of them. The site in Birmingham is between a railway line and a canal. 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. There is a refurbishment grant, which is going very well, because it is making better sites—although it is cutting down on the numbers, as I say, because it is making bigger plots but less people on the site. The new sites ought to be done with much more care. I think also we need to look at compatibility. 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 compatible ethnic minorities within the gypsy community, which you would not be able to do in council housing, for example, or association housing.

Q24 Chris Mole: We touched on the notion of whether policy should be encouraging gypsies to settle down and the concerns of the courts. You referred to the ODPM evidence of the group housing model pioneered in Ireland. Do you think that is an approach we should try?

Dr Home: Definitely. I think there is a gap there. I think there are housing associations willing to have a go at that, but it would need funding through housing corporations.

Q25 Mr Betts: There are some concerns about the issue of the count of gypsy caravans and families and its accuracy and the use to which it is put. Would you like to elaborate on what improvements you think could be made to ensure it is more accurate and more useful.

Dr Kenrick: We found when local gypsy organisations have done counts they have always found about 50% more than the council have. I found that in East Lincoln. The gypsies were able to

22 June 2004 Dr Donald Kenrick and Dr Rob Home

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.

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.

Q26 Sir Paul Beresford: The cynic would say, of course, “If you ask the gypsies, the travellers, they might exaggerate it the other way.”

Dr Home: You could say that.

Q27 Sir Paul Beresford: So it is six and one half dozen.

Dr Home: These are snap-shot figures on two days in the year and, short of literally combing the district, going down every road looking, you have to rely on usually an environmental health officer’s personal knowledge of it. The police come up with very different statistics, because they are dealing with a different kind of unauthorised count.

Q28 Chairman: When you say the police come up with a very different set of figures, do they come up with much higher figures than the local authorities on almost all occasions?

Dr Home: Yes, because they are not counting on a specific day every six months, they are counting them all the time, and it maybe the same caravans moving from one place to another place when the police tell them to move on. So they are recording an incident when the police are called out when there is a number of caravans at a place on a particular day. A week later the same caravans will be in another incident in another place. You are not comparing like with like.

Q29 Mr Betts: How important is it that we get these figures right?

Dr Kenrick: A number of councils count on a daily basis because the gypsy officer goes out and visits every family. South Gloucestershire, for example, has a daily count. Providing there is somebody to count, they go out to each new site because they want to make social inquiries about the families, to see whether they are interested in a house or a place on a site, or where there are some problems with pregnant ladies looking for a hospital or something like that. There are several districts which do a regular count more than every six months.

Dr Home: How would you define a 100% accurate count and would it be worth the trouble of doing it? My view is that the statistics we have are broadly adequate for the purposes that I have come against and which is trying to win planning appeals. Personally, there was a major study by the OPCS in 1990—a highly detailed study, highly elaborate—which was never put into operation. I think the statistics we have are adequate provided they are interpreted with a degree of commonsense.

Q30 Mr Betts: Let us go on to the refurbishment grants. There has been some criticism, Dr Kenrick, about these and whether they are really delivering any new facilities as opposed to the occasional bit of improvement to existing ones.

Dr Kenrick: 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.

Dr Home: There are some excellent local authority sites. There is a very good example on the A40 near Oxford and another one in West Oxfordshire. There are some excellent sites and some of the refurbishments have been very well spent, but a number of these sites, as Dr Kenrick has said, 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 where they do not want to be and they cannot go back to the site because their pitch has gone.

Q31 Mr Betts: You are saying that this money that has been available is being used to try to improve existing sites, but the consequence of that has been to reduce the number of pitches on those sites—which is probably a good idea, providing there is more money then to develop new sites as well.

22 June 2004 Dr Donald Kenrick and Dr Rob Home

Dr Home: There is one case up in Bedfordshire where there has been refurbishment but there is still an area of the site which is a wasteland, which formerly had pitches on it but which now does not. The number of pitches has been reduced.

Q32 Chairman: The pattern seems to be variable across local authorities. Who in the local authority should be responsible for gypsy and traveller sites?

Dr Kenrick: I think it should be the housing people, which is the district.

Q33 Chairman: As soon as you say it is housing, does that not imply that gradually they should be transferred to housing?

Dr Kenrick: I think gradually they will. If we look in Eastern Europe none of the Roma coming from Eastern Europe are living in a caravan—although if you read the press you might think they had. Gypsies are already moving to housing. In any given family you always find a brother or an uncle in a house—because they use that as an address to get mail. That is how I know that. If you look in 100 years' time, I would be very surprised if there are many nomadic families in England. If you have a lorry as opposed to a horse and cart, you can travel to Cardiff and back in a day to do a job. You do not have to take your wife and family with you. Or—the other way round—a woman going fortune-telling in Brighton

can go down for the day, come back at the weekends, and does not have to take her husband with her. I am sorry, I am being very sexist this morning.

Q34 Chairman: You think they should be the responsibility of the housing department within the local authority.

Dr Kenrick: Yes, but I think with guidelines from the regional spatial authorities, which I think would be very useful. As Sir Paul Beresford said, gypsies move around, so gypsies who may be in Basildon today could well be in Brentford tomorrow, or they could be in Hampshire tomorrow, depending on their trade.

Dr Home: I disagree with what has been said, that gypsies are eventually all going to settle down. I do not think that is true. As to where the responsibility should lie, it cuts across a whole string of local authority services. Some counties have done excellent work but, now that they no longer have a statutory responsibility, that role has been weakened. At the district level there is certainly a need for specialist guidance, which can only come I believe from the county or the regional level. I think the regional authorities have a big role to play in the future here because certain regional offices have been extremely helpful on that, but it is asking too much of some smaller local authorities to maintain not just housing but planning, a whole specialist team and maintain it, and I think there is a role for the higher levels.

Chairman: On that note, could I thank you very much for your evidence.

Witnesses: 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, examined.

Q35 Chairman: Could I welcome you all to the second session this morning and ask you to identify yourselves for the record, please.

Mr Codona: My name is Cliff Codona. I am Chair of the National Travellers' Action Group and part of the Coalition.

Mr Sweeney: My name is Tom Sweeney. I am Co-Chair of the Irish Traveller Movement. I am also a committee member of the Coalition for Travellers and Gypsies.

Mr Smith: I am Charles Smith. I am Chair of the Gypsy Council, a member of the Coalition, plus President of the Labour Party Campaign for Travellers' Rights and the UN representative for gypsies in this country.

Ms Beard: My name is Catherine Beard. I am Chairwoman of the National Association of Gypsy Women for the UK. I am also a member of the committee for the traveller, Coalition.

Ms Spencer: Siobhan Spencer, Derbyshire Gypsy Liaison Group. I am also a member of the traveller Coalition.

Chairman: Does anyone want to say anything by way of introduction on your behalf or are you happy for us to go straight to questions? Straight to questions. Right.

Q36 Mr O'Brien: When we start questioning people, we always come back to site provision and facilities, and research conducted by the Office of the Deputy Prime Minister estimates there is a need of between 1,000 and 2,000 additional permanent pitches and 2,000 to 2,500 additional transit pitches. These are required by 2007. Do you agree with those estimates?

Ms Beard: Yes.

Mr Sweeney: Yes.

Ms Spencer: Yes. We are a self-help voluntary group. We started a few years ago trying to help people through the planning application system. I can verify those sites are definitely needed. There is a need for a cross-section of sites all across the country. A lot of families are opting for smaller sites, small private sites, and they are willing to put their money into that. As a group we have been snowed under with people wanting to provide for themselves.

Mr Smith: I disagree really. 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

22 June 2004 Ms Siobhan Spencer, Ms Catherine Beard, Mr Tom Sweeney, Mr Cliff Codona and Mr Charles Smith

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.

Q37 Mr O'Brien: How would you manage that?

Mr Smith: With respect, I think you would manage it the same way as you do housing. You have rented accommodation, you have private accommodation, you have social housing, and there is no reason why caravan sites cannot operate in the same way.

Q38 Chairman: Is it not important that you have a target? You are basically saying to the Government, "This is the shortfall now. We at least need to get that number of extra pitches into place."

Mr Smith: It is, 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 10 years to provide them, in 10 years' time we are still going to have 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.

Q39 Mr O'Brien: What would you say about Dr Kenrick's view that in 100 years' time there will be no more travellers?

Mr Smith: I do not agree with Dr Kenrick on that. I think he is totally wrong.

Ms Spencer: He is wrong. You ask the gypsy people.

Ms Beard: At the end of the day, we have been here for over 600 years and we have not changed our way of living in those 600 years, so I do not think Dr Kenrick can actually say what we are going to be doing in 100 years' time. I would like also to take issue with the point he made about there only being 700 people who move up and down this country, because Mr Kenrick does not know one end of the country from the other and our people move continuously.

Q40 Mr O'Brien: Ms Spencer is suggesting there should be smaller private sites and Mr Smith is saying there should be open-ended sites.

Mr Smith: I was not disagreeing with what Siobhan says. I think there should be site provision, and there is a need for different types of sites. There is a need for small sites, family sites, a need for public sites, a need for transit sites. There is also a need for what I would call trailer parks, where anybody could pull on and off, like they have in Australia and America and other countries. There is a need for nomadic provision. It is always seen as something special and I do not see why it should be.

Q41 Mr O'Brien: What facilities should these sites provide?

Ms Beard: Each pitch should have its own water supply and its own little toilet block. As now, there are a lot of sites which have blocks of toilets on. Well, they do not work, because, if you have 21 families on a site—and when you say families, obviously you have a lot of children there—you have these blocks of toilets which do not get cleaned out like they should. They should be cleaned out at least—at the very, very least—four times a day. That does not happen. Because the owners won't clean them, they won't pay people to clean them, therefore the people on the site cannot use them, they are a health hazard. I believe on every site, private or local authority, each pitch should have its own tap and its own little toilet block. That does not cost a fortune. There has been a lot of money spent on Honeypot Lane at Darlington. They have had part of this £17 million grant. But what is happening there is they are still only putting a toilet block up for those people. I do not think that is right at all. These are a health hazard, they really are.

Q42 Mr O'Brien: Mr Sweeney, do you have a point on that?

Mr Sweeney: My point is that in 1968 when this law came in to build sites in this country to provide for travellers and gypsies, it seemed very good then. It was the start of something that should have been good, but it was left there and it was never taken forward. In my view it is the only community of people who have never been looked after and their needs being met. All other communities in this country, regardless of where they come from, as their families get married they are provided with needs. Ours has never been provided for. As somebody said earlier on there, 10 years, five years down the line, you will have had so many people get married, and there will be families, and there is no provisions provided for their needs.

Q43 Mr O'Brien: When a couple gets married and they move on to a site, what would they expect to be on a site?

Mr Sweeney: I would expect sites to have running water, like has been suggested. I would like to see proper toilets on them. Private sites are one thing. I am not into that; I am here today at the lower end of the scale, if you will, to represent people who cannot afford to buy sites and are looking for local authority sites, and those must be run by local authorities on a daily basis.

Q44 Chairman: Ms Spencer, what do you think should be provided on a site?

Ms Spencer: Basically, the single toilet facility per pitch because it runs better.

Q45 Mr O'Brien: On a pitch you want a hard-standing.

Ms Spencer: Yes.

Q46 Mr O'Brien: How many caravans would you wish to see on a hard-standing?

22 June 2004 Ms Siobhan Spencer, Ms Catherine Beard, Mr Tom Sweeney, Mr Cliff Codona and Mr Charles Smith

Ms Spencer: Most families will pull the two trailers.

Q47 Mr O'Brien: Two trailers.

Ms Spencer: At least two trailers, yes, because then you have a bedroom facility for the girls and one for the boys. So you would want a pitch big enough for two trailers.

Q48 Mr O'Brien: Power supply?

Ms Spencer: Yes.

Q49 Mr Clelland: If someone is living in council provided accommodation, they have to look after it. They have to clean it themselves and look after the environment themselves.

Ms Beard: Yes.

Q50 Mr Clelland: Why is it different on a site? Why should somebody else be cleaning the toilets and cleaning the site?

Ms Beard: Because if you have a block of toilets, say half a dozen toilets, and there are all those people on that site using them, the people who own the site—there are a lot of blocks on the private site, they just put blocks up—they should have someone to go in there and clean them. They are getting paid for that.

Q51 Mr Clelland: But if you have individual toilets ...?

Ms Beard: If you have individual, everybody cleans their own, they look after their own. We want nice amenity blocks for them, where they could put a washing machine in, have their own washing machine, have their own toilet. They are done out then every day, or they do them out two or three times a day. People like to clean their own, but you cannot expect women to go in and clean a toilet block when everybody else has been using it.

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

Ms Beard: Exactly.

Mr Smith: We need running water; we need electric; we need sewerage. It might vary a little bit depending on the site. If it is a transit site, I would say it may be slightly different. If you are going to be there permanently, then you want permanent connections. So there are some variations but talking about who is going to clean the toilets is missing the point really.

Q52 Chairman: That is the accommodation side, but what about the open space? Quite often people want the space to put their lorry on, or to put scrap on or whatever the people are dealing in. Should these sites not only have a pitch for the vans but also space for working?

Mr Smith: Personally I do not think you should have scrap metal where people are living. I do not think it is a good idea nowadays. I think on sites you should be able to work, to some extent, providing it is clean work. We have got to a point on some sites where women are making aprons or something like that and they have been stopped from doing it because

they have a sewing machine in the trailer. I do not think you should stop people doing that, but I am not sure—

Q53 Chairman: You do not think it is necessary to provide a pitch with space for the vans and space for people to do some work on?

Mr Smith: You need a space to live. Travellers' lives are not just the job/home. It is not quite as simple as that.

Q54 Chairman: No, but, traditionally, when sites have been provided, quite a lot of local authorities have felt it was necessary to provide a work space.

Mr Smith: They have, but it has not always worked when it comes down to scrap metal and things like that because people started bringing on cars and started burning things and it has caused problems on the site.

Q55 Chairman: I understand the problems, but you are saying that as far as you are concerned the pitch should be living accommodation and the facilities that go with that and not working space.

Mr Smith: That is not quite what I am saying, no.

Mr Sweeney: Our problem is with all sites, residential sites as they are known today, permanent sites, as have been provided by local authorities, there is no parking facilities within them, so they have been designed so you park within your pitch. I live on a site that is under a flyover: there is no playground; there is no parking but on the road; there is nowhere else to park. Those are the things I would like to see changed.

Q56 Mr Sanders: Who should be responsible for providing sites?

Ms Beard: A lot of our people do want to provide our own. The evidence is there in the planning applications—which are continuously being refused—for small family sites. Most of them want their own little family sites. Obviously there is a need for the transit sites, and for sites for people to go where people cannot provide their own. I suppose there will be people who will be quite willing to provide them. We do think the local authorities should be responsible for some of them, but where someone does want to provide a bigger accommodation for people then they should be encouraged to do that. You will have people who can afford to do that. Obviously a lot of people cannot.

Q57 Mr Sanders: Where you are not trying to provide or are unable to provide who should? Are you saying it should always be the local authority?

Mr Sweeney: People like myself who live under local authorities, we depend on the local authority to provide those needs for us.

Ms Spencer: The housing department.

Mr Codona: Could I say that I have lived on an illegal camp for seven years now and I have worked very, very hard with my local authority in every aspect of planning—I have been part of the local plan—and actually got into the whole complete

22 June 2004 Ms Siobhan Spencer, Ms Catherine Beard, Mr Tom Sweeney, Mr Cliff Codona and Mr Charles Smith

system to find out what is wrong, why have I not been allowed to be able to create a home for myself. And, even though all these studies have been done with very eminent people—Dr Robert Home and Dr Don Kenrick, IPPR studies, studies by the ODPM itself that I took part in the consultations for this year—my local authority still fight that they have got to build sites, because they are terrified of losing their jobs. I think we have been a long, long time . . . I commend this Committee for giving us a chance to be here. We are gypsies and travellers. I cannot read and write: if I could not speak to you, I could never give my expressions over. We are so desperate for the planning system to help us. I have never committed a crime in my life in this country, I have no criminal record of any kind whatsoever, but I am classed as a criminal because I have lived on an illegal encampment for seven years. That cannot be right. There are many, many hundreds of families like me. We are not asking for this planning system to do something special for us; we are asking for this planning system, please, to give us justice. We are trying hard to evolve, to become responsible people of the country that people want us to be. We want to pay our taxes. We do not necessarily want to be council tenants, but there are people without money who still have to be council tenants. We really do need the help within the planning system to give us the guidance and the right thing for us to do.

Mr Smith: 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.

Mr Codona: 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.

Q58 Chairman: I am getting a bit worried about the time, so if we could have slightly shorter answers, I would appreciate it.

Mr Smith: Can I come back on something, please? There was something that was said earlier on—

Chairman: I will give you a chance to come back at the end. I am getting worried about the time.

Q59 Mr Sanders: Is part of the problem housing? If you look at the housing department, the housing department's functions are all looking at the housing problem in terms of providing a roof over someone's head, not providing grounds that they need.

Mr Smith: That needs to change. That is the simple answer.

Ms Spencer: That needs to change. I do feel that gypsy accommodation ought to come under housing. Before, when it was under the district authorities, it comes under environmental health as a problem. It is a problem that you just have to push over the border, into somebody else's borders. It is like each housing authority has to make an assessment of need, I think. They should do, with the amendments on the Homelessness Act. If you do not have a legal place to place your caravan, you are homeless in law, so it should come under the housing department and they should look at it and they should assess the need. They should get some of these social housing people involved in looking to identify land and to help us getting sites built.

Q60 Mr Sanders: That is something that the Committee will have to take on board.

Mr Smith: 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.

Q61 Chairman: We need to move on with the questions.

Ms Beard: Could I just say something.

Q62 Chairman: Very briefly.

Ms Beard: We feel that we have to justify our very existence because we are gypsy people. We do not believe our cultural way of life has ever been recognised or respected. We feel now it is about time that it was because, after all, the gypsy men of this country fought in two World Wars, for King and country. They died, or came back with very serious injuries when they came back from them wars. Our women worked on the land and they worked in the ammunition factories. I think it is time now that we received the equality that we should have.

Q63 Mr Sanders: The development in Ireland of providing group housing alongside sites, is that something we ought to look at piloting in this country?

Mr Codona: 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 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.

22 June 2004 Ms Siobhan Spencer, Ms Catherine Beard, Mr Tom Sweeney, Mr Cliff Codona and Mr Charles Smith

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.

Q64 Chairman: The point is that it does appear, in Southern Ireland, that putting up some houses with caravan pitches next to them is working.

Mr Sweeney: That is by choice.

Q65 Chairman: Yes, that is by choice, but by choice it is working.

Mr Codona: Could I say that in the studies that have been done in Ireland they have also found that most family units came to live in a family unit, whether it be the Smith family, the Jones or the Coopers. 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.

Q66 Mr O'Brien: In your submission you suggest that 90% of the planning applications by gypsies and travellers are rejected by local authorities.

Ms Spencer: Yes.

Q67 Mr O'Brien: The Office of the Deputy Prime Minister disputes that. What evidence do you have to support that?

Mr Codona: I can sit here today and speak in a court of law to say that planning applications in this country are not dealt with properly at all.

Q68 Mr O'Brien: What evidence do you have that 90% of applications fail?

Mr Codona: I am fighting it from every angle with every law in this country to prove that my own particular planning application has not been dealt with properly. I am here as concrete evidence of it.

Q69 Mr O'Brien: I accept that maybe they are not completed in the manner you would request, but you say that nine out of every 10 planning applications are rejected. What evidence do you have for that?

Ms Spencer: We started trying to help them with planning applications 12 years ago, and I have only ever had, out of 22, one passed at committee, at the first development and control stage. That is out of 22 planning applications.

Q70 Mr O'Brien: We find that in different regions there are different problems, mostly because of land shortage and others. Have you done a trawl? Particularly Mr Smith, as Chairman of the Council, have you entered into a trawl of the various regions to find out what planning applications have been submitted and rejected?

Mr Smith: No. I mean, unfortunately, we are not an organisation of huge funding. We work on a few hundred pounds a year. If you want to fund us, we would be very happy to do that for you.

Q71 Chairman: Let me just go through the process.

Mr Smith: I mean, with the greatest of respect.

Q72 Chairman: Is it really that people are picking sites which are unsuitable or is it that the neighbours object, that as soon as you say gypsy site, people object?

Ms Spencer: Yes.

Mr Smith: Could I come back on the evidence. ACERT (The Advisory Council for the Education of Roma and Travellers), a gypsy organisation, actually did a report, which was not published by the Government, it was commissioned by the Government and that actually showed in there a report that 90% of applications are refused. So there is actually evidence that has been researched.

Q73 Mr O'Brien: Is that report available?

Mr Smith: The Government did not ever allow it to be published, but I am sure you could get a copy of it.

Q74 Chairman: We will pursue that issue.

Mr Smith: I mean, we could probably get a copy of it for you.

Q75 Sir Paul Beresford: One of the things the Chairman is saying is it could be down to the selection of sites, especially in the South East where it is high demand. I know of some applications that have been turned down on sites that nothing ever will be built on: it is green belt, it is flood plain, and so on and so forth. Whoever advised the applicants misadvised them, or the advice was ignored, because there is no hope.

Mr Smith: The problem with that, sir, is that there is nowhere identified in those local development plans where a gypsy can go and buy a bit of land and develop the site as there is with housing, because in Government guidance every single definition of land, every single designation, does not allow gypsy sites to be built on it. There is nowhere you can actually legally build a gypsy site in this whole country.

Q76 Sir Paul Beresford: Coming back to the question, the question is on refusals. With many of the refusals, especially in the South East, where there is high demand, the application is unrealistic. Do you agree?

Mr Smith: No, I would not. Because, if you are in a situation where you could not build a house anywhere legally, you would end up with shanty towns, like they end up with in South America—

Ms Beard: That seems—

Mr Smith:—because you could not build a property.

Q77 Chairman: One at a time. It is very difficult for the shorthand writer taking a record and it is very difficult for me. And I have to warn you that if we are going to get through all the questions we do have to have shorter answers.

22 June 2004 Ms Siobhan Spencer, Ms Catherine Beard, Mr Tom Sweeney, Mr Cliff Codona and Mr Charles Smith

Mr Smith: If there was nowhere legal for you to build your house, and you had nowhere to live, where would you go? You would have to go somewhere. We cannot continually go round and round the M25.

Q78 Chairman: No local authorities in their development plans have sites earmarked or land earmarked which could be used for travellers.

Mr Smith: No.

Ms Spencer: Could I just say people are now starting to come to us and say, “Can you help us look for a piece of land?”—to try to stop people immediately going out and perhaps getting green belt or agricultural land. And there is a price thing here, because there is a problem for a lot of families, because obviously if you go and have a look at some little bits that are up for residential in a lot of places, the land is sky high. It is absolutely sky high. But, on top of that, 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 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. I had a planning committee in Blackpool—

Q79 Chairman: I understand those difficulties, but, in a sense, if the system is working, although local public opinion may be against you, you are able to appeal and get permission. The appeals are also going down as well.

Ms Spencer: The appeals are going down as well and it is very, very, very hard, it is very, very time consuming, and it is very, very stressful for the families.

Mr Smith: And something that is happening—

Q80 Chairman: I think we had better move on now.

Mr Smith: Just on appeals—

Chairman: I am sorry.

Q81 Mr Cummings: We spoke at some length about the various rights you require from society. I listened very carefully to what you were saying and I truly understand the meaning of injustice behind the questions you have asked, but perhaps my questions ought to be directed towards responsibilities as well, the responsibilities that society would wish to take from yourselves. Could you tell the Committee how you believe sites should be managed. Who really is best placed to manage them?

Mr Codona: By the gypsy community. 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.

Q82 Mr Cummings: You would also wish to work in partnership with other gypsy communities.

Ms Spencer: Yes.

Q83 Mr Cummings: Willingly?

Mr Smith: I think we should go back again to how housing is managed and we should be looked 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. If we look at the fact that housing is managed like this, then there is no reason why caravan sites—

Q84 Mr Cummings: So you are into partnership working.

Ms Spencer: Yes.

Mr Codona: If we are good at eminent local councils and good members of the community and members of select committees and members of anything that happens within that community, we will be respected as good leaders to run sites, so we actually earn the respect before we are able to do it.

Mr Sweeney: I do not think that would really work in local authority sites because you have people coming round and all different people. That would work in private sites—I agree 100% that it would—because you have control. I am sitting here today and I came here for a special purpose. There were questions asked about Ireland on this point. 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. Big sites do not work anywhere.

Q85 Mr Cummings: I would like to pursue this question of responsibility because I think it is very important that people understand that you truly do need to participate and work with the various agencies. Could you tell the Committee how you believe incursion groups could be managed. I am referring specifically to what has happened in the community called Cottenham, where you have established communities, people living with travellers, and then all of a sudden you are confronted with an influx of travellers.

Mr Codona: Could I speak on that because I am directly involved with the Cottenham issue. The Cottenham site itself is a traditional site that has been there for over 100 years of Romany gypsies. The Irish community moved in and they bought most of the land from the original community which was there—which was a very small number of plots, something like seven or eight plots. Since the Irish

22 June 2004 Ms Siobhan Spencer, Ms Catherine Beard, Mr Tom Sweeney, Mr Cliff Codona and Mr Charles Smith

community have had the property, they have looked into the planning system and what was wrong with it. They have addressed that, right up to the Office of the Deputy Prime Minister, and that has now been increased to, like, 40 permanent pass pitches. These people are paying their council tax, they are good residents of the area—even though the media wants to say they are something else. There are other people who are trying to establish planning there—which the local people feel that is what is really causing the problem. Local residents are not having a problem with the 40 pitches that are already passed; it is the worry in case the site gets any bigger.

Q86 Mr Cummings: Do you have any solutions as to how the site could be duly managed to the benefit of everyone?

Mr Codona: There is a vast amount of that site still left within the centre. There now needs to be a structure within the centre of that site which would be a community hall, which would be somewhere that those people now could communicate with the local people and come together. The local vicar and myself and other members of different communities have already started integrating. There are already people talking and getting along with each other. It has already started happening. It is just that the media attention of it is trying to whip it into something else to put pressure on the ODPM.

Mr Smith: Could I just say that if you look at Cottenham, it is a direct result of bad planning and lack of government doing things about gypsy accommodation. Travellers have had to buy bits of land off of farmers who have been quite willing to sell it to them for over-inflated prices, and have set up and tried to get permission for these sites, and other people have come in and bought it. 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.

Q87 Mr O'Brien: One of the important parts of my business as a member of Parliament is the representations I receive from people who are arguing to evict gypsies and travellers off illegal sites. You welcome the report from the ODPM which issues guidance to local authorities on the humanitarian side before eviction is carried out.

You also criticise the question of the introduction of the Antisocial Behaviour Act. Could you give us a view?

Ms Spencer: We would like to see eviction stopped. There are going to be problems unless there is going to be enough accommodation need for the people. The reason why I criticise the social orders is what defines a complaint against somebody. We work quite closely with Derbyshire County Council and I asked them one day, “Would you do me a print-out of all the complaints you have had against this family?” It gets logged down with somebody just ringing in and saying, “There’s a gypsy family that is parked here,” or “We can see this family,” or “This family has got hens,” or “This family has got a horse.” That is logged down as a complaint. That is my worry. We say, “What is it that you are saying about the people?” All of a sudden, a social order is going to be put on somebody just because they are in the awful position of not having somewhere legal to place their trailer.

Q88 Mr O'Brien: Even if someone has camped illegally, there is no reason why they should be antisocial.

Ms Spencer: That is true.

Q89 Mr O'Brien: What can you do to ensure that people who do locate on sites, which may not be official sites, then do not become antisocial to the people around? How can we tackle that?

Mr Codona: Could I say, sir, I am one of them illegal gypsies. When I started seven years ago trying to live where I am, the community wanted rid of me: “He’s got to be gone.” But I have earned that respect.

Q90 Mr O'Brien: For what reason did they want you to go?

Mr Codona: They wanted me gone because they classed me as antisocial. The local police said that I was an increase of fear of crime in the area, and I have had to work for seven years to prove that I am a responsible citizen. Now all the people in the whole of the area where I live say that I have the right to live there because I am a respected member of the community. It is about earning respect—what these gentlemen said here—and we can earn respect but we just need to be given the chance to do it.

Chairman: On that note, could I thank you all very much for your evidence. We are very grateful. Thank you very much for coming.

Witnesses: Mr Hughie Smith, President, and Mr Tom Lingard, Assistant Secretary, the Gypsy Council (Romani Kris), examined.

Q91 Chairman: Could we welcome you to the last session this morning of our inquiry and ask you to identify yourselves for the record, please.

Mr Smith: My name is Hughie Smith.

Mr Lingard: I am Tom Lingard, Assistant Secretary of the Gypsy Council.

Q92 Chairman: You want to say a few words by way of introduction. Is that right?

Mr Smith: That is right. First of all, I think this report that we have looked at and these amendments which have been kindly sent to us may be a little bit inaccurate. They list organisations. We are the Gypsy Council. I think that somewhere down the line somebody has made a mistake and I think we would like to be described as the “Gypsy Council”—which we are—and an “all-gypsy organisation”.

Chairman: Thank you very much.

Q93 Chris Mole: In your evidence you say “there are too few official Gypsy sites—both public and private—for too many Gypsies”. How many sites do you think are needed?

Mr Smith: I think at the end of the day there has got to be somewhere in the region of 300 sites to accommodate all the families that need accommodation. One of the biggest problems is that, whilst some people are pushing for legislation, we are not too worried about legislation. There are other ways that Gypsies can be dealt with rather than through legislation. I remember when the Caravan Sites Act was first implemented in 1970 on 1 April, what happened was, whilst the number of Gypsy caravans was round about 3,500, very, very quickly within the next few years in the late 1960s and early 1970s we found that possibly 4,000 families came out of houses. They were the Gypsy families who had more or less been settled in houses for some years. Many, many district councils in this country had caravan sites which they closed for one reason or another and the Gypsies become houseless. One of the big problems then, of course, were families who stayed in areas such as Bradford, Birmingham, Leeds and the West Midlands conurbations who took up the sites which were actually built for the travelling Gypsies and that increased the numbers. We did research between the years 1973 and 1976, and we found at that time there were around 7,500–8,000 caravans on the road. Previous to that the government was telling us there were on 3,500.

Q94 Chris Mole: Your estimate is that there are some 320 official Gypsy sites and you think that should be roughly doubled?

Mr Smith: I am quite sure it has [sic]. One of the biggest problems is that not enough emphasis is placed upon private site initiatives. 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.

Q95 Chris Mole: You have touched on private sites. Can you tell us a bit more about what type and the size of site; how much more should be local authority; and how much should be private; how much for transient families and how much for residential?

Mr Smith: 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. We had a problem quite some years ago with the local authority in Rugby with the caravan site at Ryton-on-Dunsmore. Some of the families bought some land down there and put in an application for about 15 families, which we strongly supported. Later on, of course, the field was extended and ended up with some 30-odd families on it. At that stage we suggested to the families that it was far too many. It was the equivalent of a small village moving into an area, and that was causing massive problems. It was causing problems not only for the Gypsies concerned and the educationalists, but it was also causing problems for the settled community, because Ryton-on-Dunsmore is such a small place.

Q96 Mr Betts: What facilities should be provided on sites?

Mr Smith: First-class facilities. We have always advised that the best facilities that can be provided should be provided. There is no reason why that cannot happen in this day and age. Every site we have been involved with in opening, and every site we have been involved in managing, has good facilities—individual facilities for each family. I understand at the present time some advice is being given to the ODPM that maybe basic facilities should be provided on transit sites. We do not agree with that. We have always said that even on transit sites there should be individual facilities. In this day and age there is no reason why water closets cannot be provided on sites. People are talking nowadays around Norfolk about dry toilets, Elsan toilets; they have been tried. Every system of site management, every system relating to facilities, has been tried in this country. The people to suffer most are the Gypsies, simply because they have very, very basic facilities and they do not work.

Q97 Sir Paul Beresford: Previous witnesses have stated water, electricity and sewerage individually?

Mr Smith: Yes. Some years ago we advised Somerset County Council on the best way forward with a transit site. We advised them that they should provide water toilets on that site, which they did. That is possibly about the best transit site in this country.

Q98 Mr Clelland: We have heard from previous witnesses that one of the desires is for each pitch to have its own toilet block and washbasin etc. Surely today's modern mobile homes have in-built showers,

22 June 2004 Mr Hughie Smith and Mr Tom Lingard

washbasins and toilets. Providing the pitch has the drainage and water connections there would not be any need, would there, for individual toilet blocks?

Mr Smith: When we talk about individual toilet blocks we talk about individual toilets to each family.

Q99 Mr Clelland: Does not the modern mobile home contain that anyway?

Mr Smith: The modern mobile home is quite different from Gypsy caravan sites. It would be a different type of people who used them. The mobile home parks are quite different. The majority of those mobile homes are plumbed into facilities anyway, but the Gypsy caravan sites are not.

Q100 Mr Clelland: You are saying that the caravans your members are using do not have the inbuilt facilities?

Mr Smith: No, they do not have the inbuilt facilities, not in the caravans; they are Gypsy caravans, travelling caravans. The only caravans which do have that facility are mobile homes, the static units that may be on mobile home parks.

Q101 Mr Clelland: Many of the people of the thousands we are talking about, rather than the 700 which was referred to earlier, will be in more modern mobile home facilities. Could they not use different kinds of sites?

Mr Smith: It depends on the types of families. If Gypsy families want Gypsy caravans they have Gypsy caravans. In all the sites we manage we do not have any static units, except for the manager. We manage some 21 sites in this country. Each one of those caravans is occupied by Gypsies.

Q102 Mr O'Brien: There has been lots of evidence given today about the need for permanent sites and sites in various areas. Who should provide the sites?

Mr Smith: I think there should be a mix. It should be the local authority and the Gypsies themselves.

Q103 Mr O'Brien: Are you saying that it should be a statutory responsibility on local authorities?

Mr Smith: 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 Site Act.

Q104 Mr O'Brien: We have some evidence where some local authorities are saying, "We do not assemble land. We do not have the ownership of land and, therefore, we are not in a position to help with the provision". How would you manage that kind of situation?

Mr Smith: What kind of situation?

Q105 Mr O'Brien: If someone like yourself, or some other organisation, applies to the local authority for information and cooperation in obtaining a site for a private site development and the local authority

says, "Sorry, we don't have land. We don't assemble land and, therefore, we can't help you", if you are saying local authorities are responsible how would you get over that kind of problem if it is not statutory?

Mr Smith: Some years ago around 1982 we formed the Caravan Site Cooperative, hoping at that time that what would happen was that Gypsies could be in receipt of grant aid or loans from the housing corporation so they could build their own sites.

Q106 Mr O'Brien: They need planning permission first, do they not?

Mr Smith: At that time we were asking for a Gypsy Site Commission to be set up and for the whole country to be regionalised so that the district councils could assist in the identification of land for Gypsies who did want to move onto the site and to find land to buy and purchase for the development of Gypsy caravan sites themselves. It would be a mix of sites. We are not looking for local authority sites. I am quite sure that many Gypsies are not looking for private sites anyway because it is quite possible they would not be allowed on¹.

Q107 Mr O'Brien: The local authority is responsible for planning and planning decisions. That is the point I was making. If it is not statutory and the local authority says, "Sorry, we can't help", what happens then?

Mr Smith: Again, I think we have to go back to the old greenbelt situation. There were sites in this country, when it was the local authority responsibility to provide sites, when the Department of the Environment at that time advised local authorities to be sympathetic

Q108 Mr O'Brien: It was statutory then. Local authorities had a responsibility then and that was changed. You are saying, "We don't want to go back to that situation, but we need to have cooperation with the systems". How are we going to change the system?

Mr Smith: Again, I think that is open to discussion.

Q109 Mr O'Brien: That is what we are here for today actually.

Mr Smith: It is alright theorising about a situation. In some parts of this country, we are in the hands of what we call the "armchair theorists" who can sit back and decide what happens without discussing it with us.

Q110 Mr O'Brien: We are not working on theories.

Mr Smith: You are asking me to sit here now and tell you the best way forward. I am telling you the best way forward because as a bred and born Gypsy—

¹ I was in fact making a reference here to existing private sites, which are either small, family-orientated sites (with limited planning permission) or which operate selection policies which mean that the types of families to whom I was referring in that remark would not be allowed to take up residence on those sites.

22 June 2004 Mr Hughie Smith and Mr Tom Lingard

Q111 Mr O'Brien: Repeat it for me. The best way forward, is what?

Mr Smith: The best way forward is a joint effort between the local authorities and the Gypsy people.

Q112 Mr O'Brien: But if that is not statutory how do we make local authorities conform or work with you?

Mr Smith: Let me tell you what happened prior to the 1960 Caravan Sites and Control of Development Act in this country. That was the Act which caused all the problems for the Gypsies, the settled community and the local authorities. Gypsy people, prior to 1960, camped on their own plots of land. They were camped in the back of farms or public houses, and nobody ever saw them. We were not visible in those days. The legislation which made us visible was the 1960 Caravan Sites and Control of Development Act. That was the Act which put us all on the road and the highway. At that time there were plenty of local authority sites open around this country, because local authorities saw them as commercial ventures. They could open caravan sites and Gypsies could live on them.

Q113 Mr O'Brien: Where should sites be located? When you were camping behind pubs and all the rest of it—

Mr Smith: Not only behind pubs—Gypsies owned their own plots of land in every part of this country. They could rent land from farmers, prior to the 1960 Caravan Sites and Control of Development Act. That was the legislation which forced Gypsies onto the highway.

Q114 Mr Clelland: What about the management of sites? How should sites be managed, and who do you think is best placed to manage them?

Mr Smith: That is a matter for the local authority. We manage 21 at the present time and they are all successful. They are all being managed successfully. We have a waiting list on all our sites. All our sites are full. We say “our sites”—they are local authority sites but they are either leased to us or under licence.

Q115 Mr Clelland: If we were to have a national model for the management of these sites, what would you say that would be?

Mr Smith: Again, I would think private sites are the best managed sites. I think that is well recognised. On the other hand, in some instances where local authorities do not want to manage the sites once built, you can contact anyone to manage the sites; there are plenty of contractors out there who are willing to take that on.

Q116 Mr Clelland: What is your view about the best way of managing sites?

Mr Smith: We think ours is. 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.

Q117 Chairman: You sent us this model agreement, what happens on your sites if people break that agreement?

Mr Smith: We give them notice to quit.

Q118 Chairman: Do you actually evict individuals from your sites?

Mr Smith: Yes, but we have only evicted about five or six people in all the years we have had them and, unfortunately, that was down in Wales. It is very interesting—in every part of this country where we manage caravan sites we do not have to evict anyone. The only places where we have ever evicted anybody was in a caravan site in Wales down in Swansea.

Q119 Mr Cummings: Do you work in partnership with your tenants? Do you allow them to participate in the management and development of the site? Do you have tenant liaison groups?

Mr Smith: Chester City Council had a caravan site in the early 1970s which they built and it got vandalised.

Q120 Mr Cummings: In your 20 sites do you have tenant participation, tenant liaison groups, and work in partnership with the statutory organisations?

Mr Smith: Yes, we do actually, and I think it is a good policy.

Q121 Mr Clelland: We heard about the problems and difficulties at Cottenham. How do you think incursion groups should be managed?

Mr Smith: Cottenham is not the only place, of course; there are other places in Bulkington (Nuneaton), and Billericay (Essex). I think in some respects the Cottenham situation has been allowed to develop when it should not have been. Again, I think a lot of untruths have been told regarding the true situation, where they say, first of all, the mad Irish have driven the poor English Romanies out. That is not true.

Q122 Mr Clelland: It was an example of incursion groups.

Mr Smith: We should get to the truth of the matter first, should we not? As far as the people down there are concerned, they bought a couple of plots off of some of the English Gypsies, because the English Gypsies said, “There’s a better piece of land down there maybe we could get developed”. Those people are members of this organisation. Those Irish travellers down there are members of this organisation. I have seen adverse publicity through the *Daily Mail* saying, “Look at this palatial house

22 June 2004 Mr Hughie Smith and Mr Tom Lingard

this chap owns". He is not in Cottenham; he is Germany. He goes from Ireland over to Germany. That is not his house.

Q123 Mr Clelland: In general, forgetting about Cottenham, what about the incursion groups?

Mr Smith: We have already told them there are too many families there. There are too many families in Billericay. There are too many families in Bulkington. There are too many families in Ryton-on-Dunsmore. It is not just a matter of getting planning permission at the end of the day; it is a matter of being able to manage the site from the local authority side, through the legislation. When I say "manage the site" I mean to be able to license the caravan sites under the Caravan Sites Act of 1960. It is very, very important for families to be able to live in peace and harmony. Again, 30 to 40 families are far too many to be in an area. It is like I said earlier—it is the equivalent of a small village moving into an area and it does not work. It has been proved not to work in Rugby.

Q124 Mr Clelland: What are the costs involved in running a site?

Mr Smith: It depends who builds it. I know that some local authorities are spending £600,000 in building sites. It is a matter of economics.

Q125 Mr Clelland: What about the cost of running it?

Mr Smith: I can only go on our own experience. At the present time, as we look at the situation up in Chester, that caravan site was wrecked three times and we bought it from the local authority, and that was way back in 1978. Their costings at that time were about £75,000 to rebuild the site. When we took it onboard we rebuilt it for about £16,000. That was the difference—direct labour and not putting it out to tender.

Q126 Chairman: How much do you charge your tenants on that site?

Mr Smith: £45 a week. That is a matter of great concern to us—the fact the rent service is involved all the way down the line on county-owned caravan sites and privately-owned caravan sites. It is an automatic reduction to £25 a week by the rent service and that throws the onus back on the families concerned. The thing which does worry us about the situation there is, I live on a caravan site up in Harrowgate where we have them on a 99-year lease from North Yorkshire County Council and the rents on those sites are £45 a week; 14 miles down the road in Leeds their rents are £105 a week. It is an automatic switchover onto housing benefit. In Hull, for instance, the rents are £74 a week. Down in Wolverhampton the rents are £74 a week. The interesting thing about that is when we took the sites on in Wolverhampton some eight or nine years ago they asked us what kind of rents we would charge and we said about £45, because it is a lot of money to be able to find.

Q127 Chairman: £45 a week is a reasonable rent. You think a site can be managed—

Mr Smith: In Wolverhampton from the £74 a week we pay them £3,800 a month. We pay them somewhere in the region of £38,000 a year for the privilege of managing their sites.

Q128 Mr Cummings: Under the 1968 Caravan Act Gypsies are defined as "persons of nomadic habit of life, whatever their race or origin". Could you tell the Committee, how many Gypsies and Travellers still operate a "nomadic habit of life" today?

Mr Smith: 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. With Irish Travellers themselves, what we call "long-distance Irish Travellers", there was a project on them some years ago which I was involved in. At that stage it was said there were far too many families converging on an area—which again those families accepted was true—but in those days (simply because of the heavy-handed attitude of the police when they were being evicted from pillar to post) along with the Department of the Environment (there were two people brought in from America to do a project on long-distance Travellers) we persuaded the long-distance travellers to split up into smaller groups, which they did.

Q129 Mr Cummings: Do you have any idea of the numbers living a nomadic lifestyle?

Mr Smith: We have a rough idea of the numbers because we mix with them week by week. The number of Irish Travellers in this country at any time is possibly around 500 caravans. What you have to take on board as well is that at certain times of the year they do go to Germany.

Q130 Mr Cummings: Are you really saying that we do not know how many people are living a nomadic lifestyle?

Mr Smith: Again, 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% 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 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.

Q131 Mr Cummings: Do you think it is reasonable to expect Gypsies and Travellers who live on sites but who do not have this "nomadic way of life" to move into permanent homes, to make room on the sites for those who genuinely wish to travel?

22 June 2004 Mr Hughie Smith and Mr Tom Lingard

Mr Smith: If they want to stay on caravan sites all their lives that does not make any difference to us. As far as we are concerned, they are probably bred and born Gypsies so they should be allowed to stay on those sites. As I have said, I come from quite an extended family and I am a Gypsy bred and born and, for instance, with one of the first caravan sites ever built an old aunt of mine went onto the caravan site and said, "Whatever are you doing to us? You're putting us in compounds". Two months later I went back there with a journalist to talk to her and she said, "Hughie, these are lovely places—we should have had these years ago—lovely hot water". It is an encouragement to families in some respects to be able to stay and have the benefits of what we call a "modern society"

Q132 Mr Cummings: Do you think that the group housing for Gypsies and Travellers, as pioneered in Ireland, should be piloted in England?

Mr Smith: When you say "pioneered" it is about 20 years since that first one was built in Clondalkin and it totally failed. It totally failed simply because it was too ambitious in the first place. What is called the "Irish problem" in this country is not really an Irish problem—I think it is a local authority problem more than anything. My people come from Ireland on my mother's side and I know what I am talking about here. The housing situation as far as those people are concerned—and I did say it was too ambitious—in the early years we had—²

Q133 Chairman: I think you are actually saying you do not think the system they tried in Ireland is working?

Mr Smith: It has been proved not to work.

Q134 Mr Betts: Is it ever reasonable to evict Gypsies who are camping illegally?

Mr Smith: It is not, is not? It is not reasonable if that family has not got a legal place to stop.

Q135 Mr Betts: Even if they are camping in the middle of the local playing fields?

² Much in the same way that problems have arisen on Local Authority "sink" estates, so problems arose with the overly-ambitious Clondalkin site, a fact which would be acknowledged by the Dublin Corporation. The site was provided for and populated by Travellers from the lower-income bracket, amongst whom it was not uncommon to see families with 14 or 15 children, many of whom lacked any form of parental supervision. As a result, Travellers from the middle- and higher-income brackets would not move onto the Clondalkin site, which effectively became a "ghetto" much in the same way as housing estates provided in Spain for Gypsies have. Within a few weeks of its opening, the eight site wardens employed (on a shift system) to manage the Clondalkin site were sifting in "Portakabin offices" surrounded by barbed wire, because the site had become uncontrollable.

"Social Housing" of the form provided in the Republic of Ireland has not been piloted at any stage in this country. Therefore, it is impossible at this stage to say whether such a scheme would work here. There is, however, in our opinion sufficient evidence (based on examples elsewhere) to suggest that further research on this issue is necessary.

Mr Smith: It is not their fault at the present time. What we are saying is that it is not their fault they are camping illegally. They are living outside the law to a certain extent under the laws of trespass.

Q136 Mr Betts: If there is a local authority site down the road with vacant plots?

Mr Smith: Again, if there is a site down the road and it has spaces—one of the things we have been saying for a great many years is that all our families cannot get on together. It is as simple as that. We have a serious problem of incompatibility. It does not just happen between the English, Irish, Scottish, Welsh or whatever it is; it happens between immediate families. It might have been some years ago that one man has sold another man a horse with only three legs and it causes feuds!

Q137 Mr Betts: Are you implying then if there is a site down the road with vacant plots but the family does not get on with a family in the area it is reasonable to go and camp illegally? Members of the public would not see that as reasonable.

Mr Smith: I think it is down to management again. It is sad nowadays, and this does happen, that liaison officers in one part of the country—where one family says "At the present time I'm on such and such a site in such a part of the country"—will then ring another liaison officer to find out what family that is and then at the end of the day it is not his decision³. He goes back to the families on site and says, "What do you think about Joe Bloggs? Should we have him on, or shouldn't we?" I do not think that is fair. The point is if the people running the site are the local authority they should have the responsibility.

Q138 Chairman: You are saying that the local authority should not pick and choose who goes on which site. Am I not right in saying that with sites you manage you pick and choose?

Mr Smith: No, we do not have the choice. That is one thing we do not do. We take whoever they are. We have taken on board sites that the local authority could not manage. The site in Wolverhampton is a case in point. That local authority could not manage that site. Salford could not manage their site. Manchester could not manage their site. A lot of the sites we have taken on board were managed first of all by the local authorities who found they could not manage them and that is when we took them on.

³ From our own experience, we have encountered such situations in different parts of this country, where there has been an (unwritten) "No Irish" or other such policy in force with respect to selection of residents. The Gypsy Council operates no such selection policies (as will be evident from the sites we operate); families are issued with a licence to occupy a plot, which they read—or which is read out to them—and which they sign as agreeing to abide by. Only if there is a blatant or persistent transgression of site rules and conditions to occupy is action taken, in line with the terms and conditions as laid down in the Licensing Agreement as signed with the Local Authorities whose sites we operate (and who are themselves responsible for establishing the rules and conditions in operation on their sites).

22 June 2004 Mr Hughie Smith and Mr Tom Lingard

Q139 Mr Betts: Do you accept that one of the problems with public perception of your community and its way of life probably comes from people's experience of illegal encampments on local playing fields, where people have moved on there without toilet facilities and without the ability to dispose of rubbish, and have gone off after a protracted battle leaving behind quite a lot of mess? Very often the public react and see that as your way of life when perhaps you would want to give a different impression. Is that a big issue?

Mr Smith: I think in some respects it might be a big issue. There has to be a policy all around this country as far as illegal encampments are concerned. Some years ago when the boat people came into this country it was just about the same number of individuals amongst the boat people as there were amongst the Gypsies, round about 50,000; nobody ever hears about the boat people nowadays because everybody has been settled. What about our community? 24 years after a piece of legislation was introduced into this country, due to the cowardice in some respects of successive secretaries of state they did not use the powers which were given to them under the Caravan Sites Act section 9, which gave the Secretary of State the power to order a local authority to build a site if it refused, or if it took too

much time to identify a piece of land. 24 years after, if you look around this country, look at all the authorities which did not comply with the law. When people say to us, "You're breaking the law by camping illegally", what about all those local authorities that broke the law?

Q140 Chairman: You told us that one of the worst pieces of legislation was that Caravan Sites Act?

Mr Smith: In some respects it was.

Q141 Chairman: Now you are telling us that it would have been alright if the government and the councils had made it work?

Mr Smith: Yes, that is one of the reasons why. Some years ago when I met a panel of ministers and I suggested to them what they should be doing, to force the Caravan Sites Act to be obeyed, do you know what they said to me: "You are only a small community, but you could bring a government down because of the politics". We get what we call "crude vote-catching councillors" jumping on their soapboxes: "No Gypsies in my area. Let them go anywhere but here". Again, the whole thing is hypocritical.

Chairman: On that note, thank you very much for your evidence.

Tuesday 29 June 2004

Members present:

Andrew Bennett, in the Chair

Mr Clive Betts
Mr John Cummings

Chris Mole
Christine Russell

Witnesses: **Ms Sarah Spencer**, Deputy Chair and **Ms Sasha Barton**, Senior Policy Officer, Gypsies and Travellers, Commission for Racial Equality, examined.

Q142 Chairman: Can I welcome you to the second session of the Committee's inquiry into Gypsy and Traveller sites and ask you to identify yourselves for the record please.

Ms Spencer: I am Sarah Spencer, Deputy Chair of the Commission for Racial Equality.

Ms Barton: Sasha Barton, Senior Policy Officer for Gypsies and Travellers.

Q143 Chairman: Do you want to say anything by way of introduction or are you happy for us to go straight to questions?

Ms Spencer: We are happy for you to go straight into questions but perhaps at the end if there is something we have not said then we might have an opportunity to add something.

Chairman: Thank you very much. Christine Russell?

Q144 Christine Russell: In your submission you express concern over the current definition of a Gypsy which is based on the principle of a "nomadic habit of life". You suggest "a definition is needed which incorporates both a nomadic and ethnic dimension", so how would you define this ethnic dimension?

Ms Spencer: That is a very important question and we are glad that we have an opportunity to expand on it. There are two problems for us with the definition. One is that "Gypsy" as a term does not encompass all of those who have a nomadic way of life. It cannot be taken to include Travellers, for instance Irish Travellers, so in the legislation we would like to see references to "Gypsies and Travellers". Also, although the terminology "nomadic way of life" was originally put in the legislation in order to try to define and protect this way of life, it no longer does, so it needs to 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, and so the current definition is too narrow. We need a definition that both enables people to be nomadic if that is what they want to be but also enables them to live in a mobile home or a caravan and stay in one place. The impact of the current definition is that it is excluding, in a sense, protection for those who do

from their ethnic background have a nomadic state of mind but who do not want to or are not able to travel.

Q145 Christine Russell: But you have not within the organisation looked at coming up with a definition of ethnic dimension?

Ms Spencer: 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." 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.

Q146 Christine Russell: That is a very all-encompassing definition. Surely, it could apply equally to a person who is moving around from a relative's sofa to a relative's sofa?

Ms Spencer: We think we would exclude a situation like that by saying "an integral part of their traditional way of life" and so it does not cover someone who does not have that as their cultural background who decides that he wants to start moving at a particular point in his life. So we have tried in our submission to get a balance to reflect people who may no longer have it as part of their actual way of life but it is part of their traditional way of life, without making it so broad that it encompasses anybody who might want to move.

Q147 Christine Russell: You also suggest in your evidence that ethnic data could be collected as part of the bi-annual Gypsy counts "as a means of enabling and encouraging councils to better comply with their race equality duty, provide better services to Gypsies and Travellers, and to remove any excuse for inaction." How do you think local authorities could gain the co-operation and the confidence of Gypsy and Traveller families in order to obtain that data?

29 June 2004 Ms Sarah Spencer and Ms Sasha Barton

Ms Spencer: 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. There would be enormous advantage in collecting it, in being able to identify unmet need and inequality of access, and we would like to point out that local authorities and all public bodies now have a duty under the Race Relations Act to promote race equality and to promote race relations. One of the specific duties that they have is to assess the impact of their current policies and any proposed policies on particular sections of ethnic minorities and you cannot do that unless you do collect the data to enable you to do it.

Q148 Christine Russell: But you obviously depend on the co-operation of local authorities. Have you had any conversations or dialogues, with the LGA for instance or individual local authorities, about their willingness to actually go out and collect this data because, as you have just told us, one of the purposes of doing it is to be able to identify the unmet need and local authorities will say, "We are hard pressed, we do not have the resources to meet the unmet need." Have you had any discussions?

Ms Spencer: The first answer before I bring in my colleague is that you are right that there is a reluctance in some quarters to collecting data, and for that reason we think that there needs to be a responsibility on the local authorities. I think they need to be required to do a needs assessment. In the same way that they do a housing needs assessment for other members of society, we need an accommodation needs assessment to be required of them so that they do it. On the other point, Sasha?

Ms Barton: We recently consulted on our draft Gypsies and Travellers Strategy and on the issue of collecting ethnic data in the context of the Race Relations Act (separate from the Biannual Caravan Count) concerns about how to collect data on Gypsies and Travellers were raised. Some authorities were confident that it could be done and were taking steps to engage with Gypsies and Travellers. What became very clear was that it was necessary to engage with, for example, Traveller Education Services in the area and with others who had the trust of Gypsies and Travellers, so it was not just a case of going to Gypsies and Travellers and demanding that information. It [how to accurately collect data on Gypsies and Travellers] is obviously an issue that is going to arise with the housing survey [Survey of English Housing] which ODPM has

recently announced. Gypsies and Travellers will now be included. This is something that we welcome as it will provide an ethnic picture of Gypsies and Travellers living in housing, just as there will be, we hope on sites, but the same issue will need to be addressed in this context.

Q149 Chris Mole: The Committee were told in evidence last week that local authorities were not really allocating sufficient land for Gypsies and Travellers to develop as sites. Do you have any views about why this might be and does the CRE have any plans to tackle the problem?

Ms Spencer: 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, and from our point of view at the Commission for Racial Equality reminding local authorities of their duties under the Race Relations Act to promote race equality and good race relations. What we are finding in our work in promoting that duty is that while many authorities have picked it up in a general way in relation to ethnic minorities as a whole, they are not yet embedding the particular needs and rights of Gypsies and Travellers into the way in which they are doing it, so that for instance in designing their planning policies or their homelessness strategies and their housing policies they should be mainstreaming the needs of Gypsies and Travellers into their thinking so that as they take things forward they are ensuring that they meet their needs. In fact, we are not confident that this will happen unless there is a statutory duty to assess need and to provide and facilitate sites, and indeed that there are sufficient resources there to actually do so.

Q150 Chris Mole: I think you are pointing towards what you refer to in your submission as suspected discrimination in the planning system. Do you think there is any conflict between planning law and race relations law in the context of local authority members sitting in quasi judicial decision-making on planning applications? Secondly, do you think there is anything specifically that local authorities could do to overcome NIMBY or racist tendencies which may emerge when considering planning applications for Gypsy or Traveller sites?

Ms Spencer: We certainly get many complaints of alleged discrimination and complaints that local authorities are not fulfilling their public duty. In the absence of cases it is difficult to say exactly what is happening. The issue is very complex and there have not been recent cases to clarify whether it is discrimination, and for that reason the Commission for Racial Equality within the past month announced its intention to launch a scrutiny exercise to look in more detail at what is actually happening at the local level so that we would be able to answer

29 June 2004 Ms Sarah Spencer and Ms Sasha Barton

your question about legal compliance when we have done this. 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.

Q151 Chris Mole: You are making a rational case for the various plans—regional spatial strategies and local development frameworks—to include plans for Gypsy and Traveller sites. You seem to go one step further and say that a regional spatial strategy should only be approved where it reflects adequate Gypsy and Traveller site numbers. Given that we have just had a discussion about the accuracy of the count, how do you think local authorities and regional bodies should quantify the need for those sites?

Ms Spencer: First of all, the reason we have suggested that as the enforcement mechanism is perhaps because of the difficulties of enforcing the old 1968 Caravan Sites Act. If we are going to have a statutory duty we perhaps need a more modern method making sure that local authorities fulfil the duty and the fact that they would not be able to secure approval for their plans unless they had provided adequate sites seems to us one intelligent way of doing this.

Q152 Chairman: But the CRE has not actually objected to anyone's plan, have they, as a result of the failure to put provision in for Travellers?

Ms Spencer: We have not in the past dealt with it in that way, no.

Q153 Chairman: When you say in the past, are you thinking of doing it in the future?

Ms Spencer: 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.

Q154 Mr Betts: You comment that unauthorised encampments have a hugely negative impact on community relations. I think that is something everybody would probably agree with. How do you resolve the issue? How should local authorities appropriately tackle unauthorised sites?

Ms Barton: The key point that we would want to make is the need for better provision of residential and transit sites to greatly reduce the number of unauthorised encampments and that is the only lasting solution out of what is otherwise a vicious circle of unauthorised encampments, evictions, leading to go further unauthorised encampments. There are obviously other options which are advised by ODPM's guidance in terms of tolerating sites where they are not creating any particular difficulty but the main link that we would very much support is a clear link between powers to evict and the provision of sites. We believe that authorities' right to evict should be linked to their responsibility to provide sites.

Q155 Mr Betts: So you are saying that if there is no site in an area, an authority has got a duty to provide sites and if they have not done so then they should not have the power to evict from an unauthorised site?

Ms Barton: I am saying that there needs to be a link between the two.

Q156 Mr Betts: Can you be more specific about the sort of link?

Ms Barton: Yes, 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. That 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.

Q157 Mr Betts: You are saying that if there are no suitable sites provided then there should not be a power of eviction?

Ms Barton: Their powers should be curtailed by failure to provide sites.

Q158 Mr Betts: Curtailed means they should not have them.

Ms Spencer: No, we are saying that it should be a material consideration in whether they are able to use the powers. 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

29 June 2004 Ms Sarah Spencer and Ms Sasha Barton

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.

Ms Barton: If I could just add, 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 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.

Q159 Mr Betts: Could I just take you on to the *Price v Carmathenshire County Council* case which you highlighted and you said in dealing with a homeless application the local authority has to investigate the degree of cultural aversion to convention housing. Does that mean therefore the local authority in a particular case like that would either have to provide a site specifically for that individual or indeed they might even have to provide a caravan for that individual?

Ms Barton: The case law as it stands does not go that far and *Price* ends where it talks about the degree of cultural aversion. What we are saying is that, firstly, authorities should investigate in a way that does not seem to be the case at present, that they should consult with Gypsies and Travellers and take steps to find out whether or not a site, which in some cases may be appropriate in the short-term, would indeed be appropriate or whether in fact that would be entirely unsuitable. What we would say is that in the short-term in a case where a bricks and mortar offer of accommodation would be entirely inappropriate—and psychologists' evidence and other evidence has been used to establish cultural aversion, (it is not merely based on the opinion of the

authority or the Gypsy or Traveller)—the authority would then be obliged to provide suitable accommodation which may be providing land, it may be providing a site.

Q160 Mr Betts: And maybe a caravans?

Ms Barton: A homeless person is someone who has a caravan but has nowhere legal to place it.

Q161 Mr Betts: So if someone has not got a caravan and they have not got anything, they are basically a Gypsy or a Traveller, then there is no responsibility under the homeless legislation for local authorities to actually deal with them?

Ms Barton: I am not familiar with cases where someone without a caravan has claimed homelessness as a Gypsy or Traveller. I am not sure that a case of that kind has arisen. I would be very interested to know what happened in that situation.

Q162 Chairman: We are rather over-running on time so one final question from me and then if you want add anything briefly. The CRE has not done that much for Gypsies and Travellers over the years. Do you intend that to change?

Ms Spencer: I think it would have been fair to say that until 12 months, maybe slightly longer ago than that but we have been very active over the past 12 months. We see their situation as perhaps the most extreme among all ethnic minorities. There is actually a real opportunity now—because of the momentum within the Department, because of the interest that the Committee itself is showing in the issue, because of the unprecedented unity among Gypsy and Traveller communities and because of the new powers that we have under the Race Relations Amendment Act—to actually shift this situation and we want to resolve it, we want to focus on the sites issue because we see it as the key to resolving, as we said, the community relations issue but also because it is the key to securing the outcomes we need on education and health and employment for Gypsies and Travellers. It is only once we resolve the sites issue that we can try to raise those key outcomes which link to it but which we have not discussed today.

Chairman: On that note, can I thank you very much for your evidence.

Witness: **Ms Pat Niner**, Researcher into the Bi-Annual Gypsy and Traveller Counts, examined.

Q163 Chairman: Can I welcome well you to the Committee. I am sorry we are running a little bit late. I will give you the chance if you want to make an opening statement. If not, we will go straight into questions. Can you first of all introduce yourself.

Ms Niner: Yes, I am Pat Niner. I am a Senior Lecturer in the Centre for Urban and Regional Studies at the University of Birmingham and have been involved in various items of research on Gypsies and Travellers over the past five years or so. I have no particular desire to make an opening statement, thank you.

Chairman: John Cummings?

Q164 Mr Cummings: In your report you use terms such as “nomadism” and “traditional travelling”. What in your opinion are the basic characteristics of nomadism and how many Gypsies and Travellers still operate a nomadic way of life?

Ms Niner: That is very similar to the question that you asked the CRE in the first place. Traditionally nomadism, I suppose, meant that you had no fixed base and your whole lifestyle, your whole economic way of life, of earning a living, meant that you were travelling from place to place. Gypsies and Travellers have always had a symbiotic relationship with the settled community so they have been

29 June 2004 Ms Pat Niner

employed by the settled community, done work for the settled community, traded with the settled community and so on, and that work took them to various places, so we had movement for agricultural casual labour and movement for other sorts of labouring. Over time, that appears to have changed and now it seems that while some groups retain that and appear to want to retain a lifestyle which has no settled base, there are, I think, many more who would like now to have an settled base but still want to be free to move. I should say they would like to live in trailers, in moveable dwellings but still want to be free to move for economic opportunity, perhaps seasonally to attend the traditional fairs and the things which are part of the culture of Gypsies and Travellers but still want to have somewhere to come back to. I would call that "semi nomadism".

Q165 Mr Cummings: Have you any real suggestions as to how Gypsies and Travellers should be defined?

Ms Niner: I would like to turn that round in a sense and say what are we defining them for? What is the purpose? What is the policy which is going to follow on or what are we going to do as a consequence of making that definition? If we are talking about accommodation, then it seems to me that there are two perfectly legitimate but slightly different things which we should be taking account of. One is the need for catering for a nomadic lifestyle which would mean things like transit sites, it would mean things like stopping places, it would mean things like having a certain freedom in planning permissions so that relatives and friends could visit people who are settled on sites and so on. On the other hand, there are also people who have been Travellers in the past who for a whole variety of reasons no longer want to be active Travellers but still are Travellers in the mind, still want to live in trailers and still need accommodation which is culturally acceptable to them in that sense. I would like a definition which includes both elements.

Q166 Mr Cummings: That takes me on to the third question. To what extent should travel patterns themselves influence the location for site provision?

Ms Niner: So far as transit sites and stopping places are concerned, I think it has to be influenced entirely by travel patterns. There is no use, I think, in providing sites where people do not want to go. Travellers and Gypsies are by no means passive agents in this. They are the active parties and they are, in my experience, extremely rational, both economically and socially.

Q167 Mr Cummings: Do you we know the percentage of Travellers who are actually travelling?

Ms Niner: I do not know and I do not think anybody knows but the impression that I have got from talking to people is that it is a fairly small proportion in terms of not having a base. In terms of wanting to move in the summer, move seasonally, visit relatives and friends and take your trailer with you to do it, then that is a larger proportion, but I think the truth is that nobody knows and I do not think anybody can know in a sense because current patterns are so

intimately related to what policies are adopted, so if a lot of authorities are operating virtually no-go area policies on unauthorised encampments then people are, by and large, going either to avoid those areas or possibly to not travel at all because it is just too much hassle. I suppose one of the things I am trying to say there is if we did provide sites you might well generate more movement and I think that is something that we have to accept.

Q168 Mr Cummings: Can I stand that question on its head and put it to you that I am trying to ascertain whether or not site locations should be based on the traditional travelling patterns of moving. If there is a very small percentage of Travellers who travel, need those sites necessarily have to be on old routes of travel?

Ms Niner: I did not finish the thought. Transit sites/ stopping places have to be where Travellers want to travel or else they will not be used. I think that the current pattern of residential sites and the current development by Gypsies and Travellers themselves of residential sites partly reflects traditional patterns and partly reflects economic activity. It certainly reflects where they want to live in terms of getting a job. Again, I am not quite sure what the answer to that is. If again we provided or tried to provide sites where there were no economic opportunities, where there would be no jobs, no personal links with friends and relations in the area, then I do not think they would work. I also do not think they would work necessarily in reducing social exclusion, which is one of the things which is most apparent, I think, about Gypsies and Travellers at the moment.

Q169 Mr Betts: You talk about the need for a different design of site than the normal residential caravan site and the situation is that the only design guidance goes back to 1979. Do you think that needs to be revised? Do you think there should be minimum standards laid down and what sort of facilities do you think are appropriate for Gypsy and Traveller sites?

Ms Niner: I think there are two things in the ways in which they differ from the normal residential caravan site for which current model standards apply. They obviously have to reflect the ways in which Gypsy site residents would be different from the normal caravan sites. That means things like demography with a lot more children on sites and provision for more vehicles, larger vehicles and so on. 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 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

29 June 2004 Ms Pat Niner

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.

Q170 Mr Betts: In your experience, what sort of management of works best? What sort of model would you like to see?

Ms Niner: There are all sorts of dimensions to that, are there not? Are we talking about local authority residential sites?

Q171 Mr Betts: In total?

Ms Niner: Well, if we are looking at the whole thing 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 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.

Q172 Chris Mole: You made a number of recommendations in your report. What progress do you feel the Office of the Deputy Prime Minister has made in implementing those recommendations?

Ms Niner: I suppose it is a bit mixed. I have been 30-plus years in housing research and I do not think anybody has ever asked me before how much my recommendations have been implemented. There has certainly been a lot happening since the report was produced. What I hope has mainly been happening is the setting of an infrastructure from which the rest of the recommendations can actually be implemented and I suppose the particular aspect

there is the increase in site provision because so far I do not think anybody can claim that there has been any sort of a change in trends in provision since the production of the report, despite the fact that it showed need for both residential and transit accommodation. So I hope that with all the changes in the planning system, certainly the increased awareness, the willingness to consider now to a greater extent mainstreaming Gypsies and Travellers within housing and planning matters but also to think about how mainstream policies impact on those groups in particular is setting an infrastructure for a great leap forward in the next five years, let's say.

Q173 Chris Mole: You kind of accept a bit of a slow start will need to be compensated for by perhaps a higher rate of provision of sites that are available in order to hit the target?

Ms Niner: Yes that is fairly clear and 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.

Q174 Chris Mole: You talk about the infrastructure required to achieve the recommendations. One of the things you talked about in your report was the need for a central group who might be responsible for planning and implementing a National Gypsy and Traveller Strategy. What form do you think it should take and who do you think should be on it?

Ms Niner: In some ways that recommendation was reflecting what was happening elsewhere and things that were floating around at the time. 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

29 June 2004 Ms Pat Niner

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.

Q175 Chris Mole: In your report you suggest that the model of housing pioneered in Ireland might be tried here. We detected some scepticism from some of the Gypsy and Traveller groups towards such a notion last week yet it seems to fit with the reference you made just now to semi nomadism. Do you think it could be successfully implemented here in England?

Ms Niner: I think it could 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.

Chairman: On that note, may I thank you very much for your evidence.

Witness Mr Rick Bristow, Chairman, Cottenham Residents' Association, examined.

Q176 Chairman: Can I welcome you to the Committee and ask you to introduce yourself for the record and also ask do you want to make an opening statement or are you happy for us to go straight into questions?

Mr Bristow: My name is Rick Bristow, Cottenham Residents' Association. My only opening statement would be to say that having attended an ODPM seminar and having read much of the evidence that is in the green book you will not find me or residents of Cottenham, or I think general residents across the country, who are not sensitive to the fact that there is a genuine Gypsy-cum-Traveller need. What we are asking for, and we hope you would acknowledge this, is some form of proportionality insofar as it is quite clear through the evidence booklet that the size of site is key. We have certainly found that in Cottenham and also talking to certain other communities around the country that seems to be their view as well.

Chairman: Thank you very much. Clive Betts?

Q177 Mr Betts: You are saying the PPGs are beginning to cause chaos because they are being used to override local authority powers in these matters. Can you just explain that statement?

Mr Bristow: I think I may have done so in the evidence itself insofar as—and 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.

Q178 Mr Betts: I do not see how that is a problem with the planning guidance. It is a matter of process that if someone makes an application and it is turned down, probably quite appropriately turned down, they still have the right to appeal that.

Mr Bristow: There is no argument over the right to appeal retrospectively. Not to be funny about this, gentlemen, but the reason I wrote a note was not so much the planning process and the justice of the civil process *per se* it was what tends to accompany this, if you like, unlawful occupation of land, ie the sort of thing that I have described in the evidence that I submitted.

Q179 Mr Betts: I am not seeing how you are suggesting it should change. If someone moves on to the site then planning permission could almost be retrospective. There is no difference between this planning permission and any other planning permission and until the process is completed and an appeal held then a decision cannot be enforced as such. How would you want to see that changed to remove the sorts of problems that you in your community believe you are experiencing?

Mr Bristow: The first thing that we would want to see is if we take the planning process as it is, which allows retrospective planning and then subsequent appeals, et cetera, that is fine, but all the while that planning process is taking place may we please have proper behaviour? May we have our rights as normal citizens respected by those persons going on to those sites and in effect misbehaving?

Q180 Mr Betts: You want local authorities to be given more powers, do you?

29 June 2004 Mr Rick Bristow

Mr Bristow: 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.

Q181 Mr Betts: So you believe that the authorities and the police have the powers at present, they are just not willing to use them?

Mr Bristow: 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.

Q182 Christine Russell: Can I continue this theme and focus not only on the dreadful behaviour, as you put it, the anti-social behaviour, but also the environmental crimes, if I could call them that, fly tipping, et cetera. You have just commented in answer to Mr Betts about the lack of authority to act. Do you think it is an unwillingness to act or a lack of joined-up working or insufficient powers? Which one of the three do you think it is?

Mr Bristow: I do not think it is insufficient powers. I think there is an unwillingness to act.

Q183 Christine Russell: Is that both the police and the local authorities?

Mr Bristow: The police situation is, broadly speaking, this: if there is trouble on site, police officers will not send their officers in unless they have a more than equal chance of, as it were, winning the battle.

Q184 Christine Russell: Do you mean a problem within the community on the site?

Mr Bristow: Within the community, it could be in the village, it could be on the side streets, it could be anywhere. If, for argument's sake, 10 Travellers were involved in a fracas with villagers police would expect to have a minimum of 10 officers there to sort it out. If they cannot have the officers there they will not go in because they will not put their own police officers at risk. That is a fact of life. I have some sympathy with what they are saying because obviously they have got a public duty to their officers. As regards the local authorities, no, I think for the local authorities generally they do not get themselves involved.

Q185 Chairman: So you are really saying that somewhere like Cottenham is a no-go area as far as the police are concerned?

Mr Bristow: No, it is not a no-go area, that would be inaccurate. What I am saying is that the police will not send their officers in unless they know those officers are going into an environment which is safe.

Q186 Christine Russell: If we can move away from the police and on to the local authorities, in your experience is there an issue about who exactly is responsible within the local authorities? Have you discovered confusion as to whether it is the responsibility of the county council to act or whether it is the responsibility of the district council? Does that cause confusion?

Mr Bristow: It seems to cause confusion between them. 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.

Q187 Christine Russell: What about the fly tipping and the rubbish?

Mr Bristow: 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.

Q188 Mr Cummings: Can I just follow that one on. Are you saying that there is no one particular body under the umbrella of the police, the local authorities or social services dealing with these problems, what I would term as being an anti-social behaviour unit?

Mr Bristow: 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.

Q189 Mr Cummings: So you are saying that there is no one umbrella organisation looking after the various problems?

Mr Bristow: No.

Q190 Christine Russell: So how do you think this liaison could be improved in order to tackle the unauthorised, illegal encampment?

Mr Bristow: 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,

29 June 2004 Mr Rick Bristow

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 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.

Q191 Christine Russell: Is it getting worse?

Mr Bristow: No, it has got better.

Q192 Christine Russell: Why has it got better?

Mr Bristow: Because the numbers have diminished. What we had originally on the fen were approximately 33 families of English Travellers. There was always a little bit of a fracas, there always is, but generally speaking there was peaceful co-existence. In Easter of last year there were about 800 Irishmen who moved on to the site. It is a 20-acre site and they started to develop it. The numbers drifted a wee bit from 800 to 400 or 500 through the summer months. Their behaviour did not change and the site continued to be developed but at the back end of November there was an unlawful killing in the village. From what had probably reached something of the order of 100 families, maybe a little more, it drifted down to 20. Since that time according to the police and the count there have not been more than 30 families on the whole site. It is being developed to take 100 plots. We have maps to show that which again by our estimation could be 200 families, possibly more. That is far too excessive. There is no way that can be managed by the police or anybody else.

Q193 Chris Mole: Mr Bristow, coming on to that point, you have argued that the government should make it mandatory for local authorities alone to provide land to accommodate Gypsy and Traveller sites. Why should local authorities on their own be responsible for the provision?

Mr Bristow: Local authorities are in a position, I believe even more so now because of recent legislation, to enact compulsory purchase. Again in what I have read and what I have heard not all Travellers have a great deal of money so you are looking for a form of affordable housing. That being the case, I should have thought compulsory purchase of a certain type of land for that type of accommodation could be made available, and more easily so, through the local authority. It takes out the speculation element. Again at Smithy Fen—and I am sorry to harp on about this but the same does apply at Billericay and it did apply at Tring—certain men with money will go in and buy and they will plot it out and then they will sell on at a far higher rate than they have paid for the plot. I am not saying it is unlawful but by the same token it does not give you easy access to the affordable housing that you are looking for *per se*.

Q194 Chris Mole: We have heard from Gypsies and Travellers that they would like to develop small sites of about six pitches.

Mr Bristow: We have absolutely no argument with that. Some other Travellers and Gypsies I have spoken to have gone as high as 20. Smithy Fen started off with two sites separated by about 300 metres and there were 15 pitches on one site and 18 on the other, a total of 33 because they were close enough to be called one site. It is not a problem and the more manageable the size of the sites the more easily integrated they are into local communities.

Q195 Chairman: So if there were one thing that would solve your problems now what would it be?

Mr Bristow: 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.

Chairman: On that note, can I thank you very much for your evidence.

Witness: **Dr Angus Murdoch**, Travellers' Advisor, Travellers' Advice Team, Community Law Partnership, examined.

Q196 Chairman: Can I welcome you to the Committee and can I ask you to introduce yourself for the record. Do you want to have an opening statement or are you happy for us to go right into questioning.

Dr Murdoch: I will introduce myself first. I am Dr Angus Murdoch from the Community Law Partnership, a partnership of solicitors in

Birmingham where we have a Travellers' Advice Team, and we represent Gypsies and Travellers on a nationwide basis. My opening: 10 years after the duty to provide sites for Gypsies and Travellers was replaced by a policy of private site provision, it is manifest that the policy has failed both the settled and the Traveller communities, resulting in the current lose/lose position where some 4,000 Gypsy

29 June 2004 Dr Angus Murdoch

families have no other option but to park on unauthorised roadside and other inappropriate sites which cause problems for them in terms of access to basic human rights such as clean water, sanitation, refuse collection and access to essential health and education services. Such sites also cause friction between Travellers and settled communities by virtue of their inappropriate locations and clear-up costs. Simply forcing these Travellers onto a never-ending misery-go-round of repeated evictions represents the worst value for all concerned. In the situation where Pat Niner suggests up to 4,500 extra pitches are needed, eviction is simply no solution. It cannot be beyond the wit of man to find accommodation provision for some 4,500 families from Britain's oldest ethnic minority group while simultaneously and consequently reducing the unauthorised encampments which exist. That is my opening.

Chairman: Thank you very much. Christine Russell?

Q197 Christine Russell: Do you ever advise a Gypsy or a Traveller against applying for planning permission? If you do in what circumstances do you give that advice?

Dr Murdoch: I have never advised a Gypsy or Traveller not to apply for planning permission because to try to make an unauthorised use of land authorised has to be the best way forward, rather than merely residing there and taking no action. So we do not advise them not to apply for planning permission but we advise them to find an appropriate piece of land and apply for planning permission then.

Q198 Christine Russell: So the advice you would give is not this plot of land but try this one instead?

Dr Murdoch: Could you repeat that please?

Q199 Christine Russell: If a Gypsy or Traveller came to you and said, "I want to settle in this particular area," you would say, "Do not choose that plot because that is quite clearly green belt or the local farmer has been refused permission for a property for his son or daughter, but try this plot instead?"

Dr Murdoch: No, that is not necessarily how we work. We normally work with people who have already bought a piece of land and who have pulled on and are facing enforcement action. That is the moment at which we normally give advice. We are dealing with a situation where people are either living on unauthorised roadside encampments, many of which are in green belt or in AONBs which lack planning permission and are trespassing, or they are going to be on their own land merely without planning permission and not trespassing. To my mind that represents a lesser harm.

Q200 Christine Russell: So your involvement does not normally happen until the local authority planning enforcement officer has visited the site?

Dr Murdoch: It varies but often as soon as the Gypsy pulls onto a site the enforcement officer arrives and we are contacted at that point. My preference would

be for there to be a proactive approach but currently people's situation is so desperate that they are taking pieces of land before coming and taking advice.

Q201 Christine Russell: You mentioned in your opening statement the human rights of the Gypsies. How do you weigh those up against the human rights of the local communities that could be infringed, particularly by the degradation as well as by the anti-social behaviour that often ensues?

Dr Murdoch: I do not weigh that up. The courts weigh that up, the planning inspector will weigh that up, local planning authorities make those decisions; I simply give advice. Clearly there are conflicting rights but those rights can be remedied or they can be balanced quite sensibly and if there is adequate provision then unauthorised sites would no longer exist. It seems to me it is putting the cart before the horse if we do not provide provision before dealing with enforcement.

Q202 Mr Cummings: How would you respond to the criticism that your organisation is in effect shaping public policy through case law in judicial reviews?

Dr Murdoch: How do I deal with that? We pursue the cases that are given to us. The Traveller phones us up, they have a problem, we give them advice, we instruct and brief counsel. The courts make the decisions as they see fit. We take every case, we do not cherry-pick a case. We take every case that comes to us that we have capacity for.

Q203 Mr Cummings: So you take everyone on board?

Dr Murdoch: Yes, we are the Travellers' Advice Team, we work for Travellers. If a Traveller phones up and they want advice that is our job.

Q204 Mr Cummings: Some people would argue that your organisation should adopt a more proactive role and try to work with rather than against authorities in order to benefit Gypsy and Traveller communities. Do you think this criticism is fair?

Dr Murdoch: We are a private firm of solicitors. I do not know if our role is to be proactive in legislative change but, be that as it may, if there were time to do that, that would be great, but our caseload is so immense because there are so few legal aid lawyers working in this area now (we are the only national firm) that it is simply beyond our capacity. There are six of us altogether who are trying to run an enormous amount of cases.

Q205 Mr Cummings: How do you believe local authorities could overcome NIMBYism or racist tendencies which may emerge when they are considering planning applications for Gypsy and Traveller sites?

Dr Murdoch: 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

29 June 2004 Dr Angus Murdoch

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. Aside from that kind of change, legislative change and change in the guidance at national level is required.

Q206 Mr Cummings: Do you think that there is a true appreciation of the nature of the way of life of Travellers and Gypsies?

Dr Murdoch: Not at all.

Q207 Mr Cummings: An appreciation of their culture?

Dr Murdoch: No, not at all. I think they 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.

Q208 Mr Cummings: Your submission highlights the problem of lack security of tenure on official sites. I understand that previous court cases have been unsuccessful in obtaining increased security. Why do you think this is so?

Dr Murdoch: Well, that is as it was until 27 May of this year when a case in the European Court of Human Rights called *Connors v UK* was handed down. The two cases you are referring to, *Dagenham v Smith* and *Isaacs v Somerset*, were both referred to in the *Connors* judgment and I think it is highly likely that reform in the area of security of tenure will be forthcoming.

Q209 Mr Cummings: What change in policy is required?

Dr Murdoch: To my mind there are many things that need to happen. 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. When there was just a power to provide and not a duty from 1960 to 1968 19 sites were built. That is not going to be enough to accommodate Gypsies' simple land use requirements. On top of that I think it would be helpful to have a national task force for Gypsies and that is one of the elements that the Mayor for London, Ken Livingston, has recently proposed in a letter, which the Chairman may well have, addressed to Yvette Cooper on 23 June of this year. I think a task force is essential so that the views of Gypsies and Travellers and all the interested parties are addressed.

Q210 Mr Cummings: Do you believe that the principles of security of tenure and nomadism are rather incompatible?

Dr Murdoch: No, not at all. I have always found that to be a rather interesting argument. The European Court of Human Rights similarly rejected that argument. That was a central plank of the United Kingdom's case and they found that not to be the case. For example, currently with the existing situation where Gypsies only have a licence and can be evicted after 20 years after being given 28 days' notice, 86% of Gypsies have been stationary on that site for three years so I do not see that having greater security of tenure is going to jeopardise nomadism. What is jeopardising their nomadism is the ability to travel and the ability to travel has been made very, very difficult by the repeal of the duty, the lack of transit sites and the draconian eviction powers that the 1994 Act gave the local authorities and the police.

Q211 Mr Cummings: Are you satisfied with the progress made by the ODPM on the implementation of Pat Niner's recommendations?

Dr Murdoch: No, I think it is lamentably slow and I think it is a great opportunity that has been missed. There are fantastic reports and some great noises at times but no great action following.

Q212 Mr Cummings: Why do you believe this to be so?

Dr Murdoch: The lack of political will hitherto, and that may now change.

Q213 Chairman: If we are looking at value for money, you have a fairly significant income from legal aid but that is because the Travellers come to you with a problem, but nobody seems to be going and looking at the structure plans, whether they are the regional ones or the local authority ones, and challenging the structure plans at the point at which they are being put forward to say, "Look, there are no Gypsy or Traveller accommodation sites in the structure plans." If there were those sites in the structure plans, would that ease the situation considerably? Would it not be better if public funds are coming to an organisation like yours that the public funds come so that you can challenge the structure plans and get potential sites into them rather than have to come in at a later stage when some Travellers or Gypsies are facing eviction.

Dr Murdoch: We actually do both. We have the case law on challenging the structure plans in *Butler v North East Somerset*. What we are looking at in many of these situations is local authorities which have ignored the duty effectively for more than 20 years and had a direction against them from the Secretary of State to provide further sites, ignored that, and under threat of mandate have continued to ignore that. When we moved into a private site provision situation with the development plan

29 June 2004 Dr Angus Murdoch

process they still made policies that prevented Gypsy sites rather than allowed them and there is that letter from Court of Appeal quashing the structure plan in respect of Gypsy sites in that local authority case. If only the development plan process would provide

adequate location for Gypsy sites I would be more than happy to move into another area of employment.

Chairman: On that note, can I thank you very much for your evidence.

Witnesses: **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, examined.

Q214 Chairman: Can I welcome you to the Committee and ask you in a second to identify yourselves for the record. I do not know if one of you wants to make an opening statement but that would be the appropriate time. Can I also emphasise that with four of you at the table if you agree with each other please just keep quiet; if you disagree please tell us as quickly as possible.

Mr Cairns: My name is Ian Cairns and I am the Gypsy Liaison Officer for Somerset County Council and a member of the National Association of Gypsy and Traveller Officers.

Ms Weale: I am Patricia Weale and I am the Gypsy Services Manager for Worcestershire County Council with responsibility for nine permanent site and all unauthorised encampments and I have been in post for 17 years.

Mr Summers: I am George Summers and I am the Gypsy and Traveller Service Manager for Hampshire County Council and Secretary of the National Association of Gypsy and Traveller Liaison Officers.

Mr Holland: I am Terry Holland, Gypsy Services Manager of Buckinghamshire County Council. Like the others I am a Member of the National Association of Gypsy and Traveller Officers and I deal with site management and unauthorised encampment and planning matters on behalf of the county council.

Q215 Chairman: Does anyone want to make an opening statement or are you happy for us to go straight into questions?

Mr Summers: I think we will go straight into questions.

Q216 Chris Mole: We seem to be getting the impression that all different sorts of local authority departments can host the Gypsy and Traveller officers from environmental health through to estates and planning, so all sorts of people are having to deal with it. Where, in your view, bearing in mind also that in two-tier areas it will be different authorities which have responsibilities, should the responsibility for the management of Gypsy and Traveller sites lie?

Mr Summers: Quite honestly, it does not really make a lot of difference where the responsibility rests, generally it rests with the environmental health department if we find out where the unauthorised occupations are. Although management of the site is important, it is more important that the unit itself is

a structured, well-managed unit. Then the location, you are quite right, there is a large number of locations spread across various authorities but it is the management structure and support that is more important than the location.

Q217 Chris Mole: Who should undertake the assessment of the need for sites and subsequent provision and management in the future? Do you think it should be regional or local?

Mr Holland: 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 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

29 June 2004 Mr George Summers, Mr Terry Holland, Mr Ian Cairns and Ms Pat Weale

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.

Q218 Chris Mole: You seem to feel obliged to tell us just how extensive and comprehensive the problems are. Are you saying that it is almost too complex and difficult to plan for?

Mr Holland: No, not too complicated and difficult. 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.

Q219 Christine Russell: Can I just pursue the point you are making, Mr Holland, because I think, above all else, local communities feel let down by the inability, as they see it, for the public authorities to act in a joined-up way. I note that you are all employees of county councils. Do you have any members of your Association who represent district councils?

Mr Holland: We do indeed, yes. Our representation is largely because the group here cover a number of aspects whereas many of the district officers deal with individual aspects, so let us say that one officer at a district level may deal entirely with unauthorised encampments but not related to the planning district whereas when counties and districts were together then it comes together as a semi-holistic unit so we are able to talk on the various aspects, which is why you have got the four people here.

Q220 Christine Russell: But surely it would be helpful for members of the public to have one authority that they could contact because at the moment it must be a nightmare because they do not know whether to ring the planning department, environmental health department or the police?

Mr Holland: 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.

Ms Weale: 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.

Q221 Christine Russell: And in the case of your four authorities is it actually the responsibility of the county to collect and verify the information?

Ms Weale: No, the county information is a district council function but in my authority what I find is that some of the districts with the larger numbers ask us to carry it out for them.

Mr Summers: 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.

Q222 Christine Russell: So you would question the validity of the counts that are carried out at a local level?

Mr Summers: I would question their validity because when you are talking about site provision, which I hope we will get onto in a second, that is really what it all stems from. Before you can make accurate assessments of any possible site provision or transit sites or any requirement for provision at all, you need accurate information on which to base it.

Q223 Christine Russell: What information do you collect? Do you simply collect information on the number of caravans and the number of individuals on the site? Should you be required to collect more information than you actually do?

Mr Summers: At the moment we are required to count the number of individuals and the number of caravans on a particular day at a particular location and children as well, but really that is insufficient.

Q224 Christine Russell: How do you ensure that people do not move from site to site?

Mr Summers: Because we have a particular date or we do it on a weekly period.

Q225 Christine Russell: So it is a census date?

Mr Summers: A census date. You need additional information as well because that is totally inaccurate because while people may well be on the side of the road where you are they may have accommodation elsewhere that is not included in the count. We need to know if people have their own permanent accommodation and whether they require transit accommodation or permanent accommodation and then you will have some statistical information on which to base it.

Q226 Christine Russell: How easy do you find it is to get the Travellers themselves to co-operate in collating that information?

Ms Weale: There really is not a problem particularly when they know you well enough, which they do with most county officers. The difficulties arise when you are trying to count people on their own land who have got planning permission. They wonder exactly why you are counting them when they should be a

29 June 2004 Mr George Summers, Mr Terry Holland, Mr Ian Cairns and Ms Pat Weale

free part of society. They are not waiting for anything, they have got planning permission, they have got accommodation, they do not see why they should be part of that count. That is the only problem I encounter.

Q227 Mr Betts: We have been told previously that there is often a preference for private sites which the community themselves manage. Can we be sure that these are managed to an appropriate standard?

Mr Cairns: Yes, I think in Somerset a two-tier system exists and it is the duty of the district council planning enforcement officers to ensure that the sites are run as to their planning permission and we assist in visiting the sites and helping the families who have obtained their own pitches to manage them well. It is important that the private site provision links with local authority sites because the local authority sites tend to be the safety net that provides accommodation for those Travellers who cannot provide for themselves and they have nowhere else to go other than the side of the road.

Q228 Mr Betts: Coming back to enforcement, all my experience of planning departments is that they are focused on dealing with planning applications and enforcement is always the thing that get pushed to the back of the queue. Have they really got time to be effective looking at sites to make sure they are managed properly?

Mr Cairns: Part of my function as the Gypsy Liaison Officer is on the side of enforcement. I attend incidents of unauthorised encampments on county council land and ensure that the process is fair and that we go through the county court system. Our problem is that we tend to be frustrated by certain law practices who represent the Travellers but do not attend the county court. We then gain our order for possession. They still ignore that possession order and wait until we instruct bailiffs to regain possession of the land and then they put in an application for an injunction or a judicial review on county council land where we have no duty to provide accommodation and yet we are held up by an abuse of the process. Not attending the county court and then frustrating the process afterwards causes us great problems.

Q229 Chairman: Are you implying that is deliberate or is that just the way in which things happen, that people do not get the right advice at the right time?

Mr Cairns: I do not try to work out the tactics of the legal profession but in Somerset every single time a certain law practice represents Travellers we are threatened with a judicial review and applications are made. It is never at county court, it is always through an application to the High Court to stop on the day of our possession and, of course, that causes great problems. We have a site at the moment that we started trying to get possession of the week before Easter. We gained possession in a county court, we organised with the bailiffs a serving of that order, and on the very day prior to serving the order the application went in and now we have a site that has doubled and trebled in size. We cannot control the

numbers that move on, we have problems of anti-social behaviour, and the police are getting involved. I would like to say here in Somerset that we have great support from the police when we require it and we do not always ask them to attend unauthorised encampments when we obtain possession orders. So we have no problems and we have good multi-agency working but we do seem to have a problem once we have obtained the order actually getting it served.

Q230 Mr Betts: In terms of the authorised sites and the management of them, what structures need to be in place to make sure that that management is done properly and should the site managers themselves be subject to some sort of inspection regime to make sure?

Mr Cairns: We do have an inspection regime although it is self imposed. We have an audit system, we have health and safety officers who visit the sites, fire officers who visit the sites, our site licence is open, and we have opened a page on the net where our policies are produced. 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.

Q231 Chris Mole: Could you give us some indication, and of course it could vary in different circumstances, of a rough estimate of what it would cost on average to establish a Gypsy and Traveller site and then some indication of the costs of managing it?

Mr Summers: The costs will vary of course. I am not evading the question but it will vary across the country depending on whether the local authority owns the land or not. At a rough straw poll it is going to cost about £1 million to establish a permanent residential site. The last one was built in 1992 and cost us £0.75 million.

Q232 Chairman: How many pitches?

Mr Summers: 20 pitches. Given inflation and the running of services (because on a permanent residential site you have sewerage, mains water, mains electricity and all the rest of the infrastructure) I would suggest approximately £1 million. It may cost more depending on what you provide. The provision of transit sites is less because the infrastructure is less on a transit site.

29 June 2004 Mr George Summers, Mr Terry Holland, Mr Ian Cairns and Ms Pat Weale

Q233 Chris Mole: I was going to ask if the rents you collect cover your overheads but I think Mr Cairns has pretty much painted the picture of the problem that seems to be unique to county councils in this aspect.

Mr Cairns: It is not just that. We are looking at a way of life on the sites themselves. It is my personal belief that smaller sites of six to eight pitches are the way forward. If you are looking at the last time the Government were involved in the provision of a grant, then the figure was £27,500 that they allocated per pitch. If you talk to Gypsies in the private sector then they would be very happy if there was a grant of £30,000 per pitch to provide sites for themselves. I still believe it is far cheaper to provide a pitch than it is a house.

Ms Weale: The rent officer, yes, there are varying problems throughout the country, varying levels of rent that are charged throughout the country. In Worcestershire we are probably quite lucky because our rents are £39 and we have been rent capped at £38. We only get that income to run the nine sites and we are supposed to be self-financing. I have to say with the Gypsy site refurbishment grant it has enabled us now to refurbish our third site at a cost of £1.9 million for the three and they are all large sites. If the rents are bottomed out and there is a national standard for rents and site licences and site management I think things could possibly go forward. 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. 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. So it is a national problem.

Q234 Chris Mole: Because they would all come to them?

Ms Weale: Yes, it would be a honey-pot effect because people are desperate and they have not got anywhere else to go. With a statutory duty you are providing the plot—and I am not talking about the people who can make their own provision of whom there are a fair number in this country—but 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 and are looking to stop fighting with young people on my sites who I have watched grow up back on to the roadside breaking the law.

Q235 Chris Mole: By now I would have thought the best value process in local government has touched you all at some stage or other.

Ms Weale: Yes it has!

Q236 Chris Mole: Have you actually been able to make any progress in arguing that the money that is being spent on enforcement would be better spent on better provision and management?

Mr Summers: 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. If there was permanent site provision, they could also stop permanently on a permanent site. 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.

Q237 Chris Mole: So the funding of provision and management should stay local but it needs national leadership?

Mr Summers: 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.

Mr Holland: There is a need for further private sites and local authority sites. The difficulty that we have when you look at the best value side of it is if you take something like a straw poll, inhabitants in a MORI poll, *et cetera*, the first reaction is that less money should be spent on Gypsies than anything else. 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

29 June 2004 Mr George Summers, Mr Terry Holland, Mr Ian Cairns and Ms Pat Weale

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.

Q238 Mr Betts: Last week we were told in evidence that problems can arise when certain families or certain groups are simply not able to live on the same site together because there is conflict between them. How do you manage that sort of situation?

Mr Cairns: When we are letting pitches to families we tend to stick to the families that are on the site. If they have got their children there then we like to keep them together as a family. If there are certain clans that are not going to fit together, then obviously we have got to look to relocate and we tend to keep the sites in family groups that are able to live together. It is as simple as looking at each application from families moving on to the site to see if they will fit, and if they do not then we need to look elsewhere.

Q239 Mr Betts: Fine, all your sites are full apart from one site where you have got some people on it already but you have got some spare pitches. Another extended family moves into the area and they are camping illegally. You have got the job of trying to remove them from that site but you then are faced with the problem of whether you put them on the vacant pitches on the authorised site knowing that there is tension between the two families? Does that sort of situation arise?

Mr Cairns: Yes it does. We are very lucky in Somerset that we do have transit site facilities so that if we have families whose history we do not know, then they move onto the transit site, they build up a relationship with the Gypsy staff and management of the transit site and then we would be able to assess whether we would be able to move them on to the site and if we were not we would say, "Look, I am terribly sorry, there might be a waiting list for this other site but we will put you on the waiting list and keep you informed."

Q240 Mr Betts: You have obviously got a responsibility for the needs of the Gypsies and travelling community but also for the needs of other residents as well. How do you go about balancing that? Would you say generally that where you have got authorised sites of a settled nature that you do not have any problems with the local community?

Mr Cairns: We do not have a duty to provide at county council. What we have is sites that are in place that were built under the 1968 Caravan Sites Act. Obviously with the pressures on the rent officer in getting rents and county councils looking to divest themselves because they do not have a duty and they cannot raise the revenue to run a site, then it is very difficult to convince local politicians to get involved in site provision. Again we have the groundwork there. For instance, at our Middle Oil (?) transit site, which is considered one of the best in the country, there is a local working party that works with management and we look at a day-to-day running of the site, how the people who are on the site react with the local village, how the local village sees what

is happening on the site. Sometimes there are problems. For instance, we have medical teams that visit the Gypsy site and the village get a bit upset that they are probably in a queue to see the doctor when up rolls the medical facilities, or the children get into the local village school very quickly when they are visiting and we do have a dedicated Travellers Education Service that moves in straightaway to help. So there is some enmity from the local population on what they see as an imbalance in service provision. If we work together then we should make it a lot easier.

Ms Weale: Could I add to that, I think the way we do it is slightly different in that the people on the sites access all the mainstream services. We do not encourage health units to go on to the sites because the local practice is there to see to the children and the adults as far as health is concerned. We do have an education service for travelling children but again the emphasis is on doing your own thing. I do not see us there to guide people. We work with the parish councils and the parish councillors are encouraged to visit the sites and treat the people on the site as they would any other community within their parish. When elections come around that is also encouraged and whoever is standing goes to the sites. They may not always get a good welcome and people may not always speak to them but that is the case wherever you go, there is no difference. The nannying side of it has been removed in Worcestershire. These are adults, they are families, they do not need us and they do not need me to be going around doing anything for them. We promote total self-reliance. We run the sites, we collect the rents, we carry out the maintenance, we will give any information that is required as we would do to anybody, and that is how we run them.

Q241 Christine Russell: Just to go back to Chris Mole's questioning earlier, in your submission you have been quite critical of the planning process and of law firms. Is what you are telling us that there should be a clear duty on each and every local authority? Who should have that statutory obligation to provide sites? Should it be districts or should it be counties?

Ms Weale: It should be counties.

Q242 Christine Russell: Why?

Ms Weale: Because 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

29 June 2004 Mr George Summers, Mr Terry Holland, Mr Ian Cairns and Ms Pat Weale

neighbours you can ask for a transfer and transfer immediately to another site which is outside that particular district, so the management for the Gypsies is much better.

Q243 Christine Russell: So you think it should be a county responsibility?

Ms Weale: I do.

Q244 Christine Russell: Despite the fact that the districts will retain the planning powers?

Ms Weale: I do. You work with districts.

Q245 Christine Russell: Do you all agree with that? Is that the stance of your organisation?

Mr Holland: I support what Pat said about counties but 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.

Mr Summers: 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. Ideally if you did it at a regional level it could say where the Gypsy sites should be—

Q246 Christine Russell: But it does not work with housing at the moment, does it, because the county structure plan says, “Right, in this county there will be x number of houses”, and the districts say, “We do not want them here, put them in the district next door.” Why would it be different with Gypsy sites?

Mr Summers: Because if there was a duty of provision and you said that this number of Gypsy sites is required in this county, then the provision would have to be made available.

Q247 Christine Russell: The same as housing.

Mr Holland: You are saying it does not work with housing. It does but very painfully. The difference is, though, that in terms of housing you do have national projections as to the amount required coming down to the regional sector. They do not exist for Gypsies.

Q248 Christine Russell: Can I ask you one last question really which is about when you do get round to identifying sites, very often those sites are inappropriate and they are poor quality. Do you agree with that?

Mr Holland: Certainly.

Q249 Christine Russell: What is therefore needed for a good site?

Mr Holland: 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 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.

Q250 Christine Russell: Can I ask you one quick last question which is about the site design guide which is now 25 years old. Does it need upgrading and if it does what would you include in it that is not in the existing one?

Mr Summers: Yes, you are quite right, the design guide is totally out of kilter with modern society. There has been no central government advice on the whole area of what should be provided now. Most modern sites now require the facilities of a bathroom, a toilet, a sink, showers and all the rest of it. The majority of them also need day rooms like a kitchen or somewhere so that people can relax. When the original sites were built they were really built for caravans as a hook up point. They got there with their caravan, hooked it up and there was basic small provision of a toilet and shower. Nowadays people are looking for a wider infrastructure on the site to make it a more pleasant place to live. We have moved on from the days of just a hook up and a caravan and people really want toilets, showers, a day room and somewhere to live. Sites should also have proper road ways and proper fire equipment and be generally well managed. 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

29 June 2004 Mr George Summers, Mr Terry Holland, Mr Ian Cairns and Ms Pat Weale

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.

Q251 Chris Mole: I just wanted to return to this question of the setting of rent by rent officers on council sites. The Committee are probably a little surprised to hear this. You suggested that this was because the land was assessed as private land but that was not done on other land that might be private land. Has there been any challenge to this position and is there any argument to support that?

Mr Cairns: 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.

Q252 Chris Mole: Is this something that NAGTLO could give the Committee a supplementary note on because it seems fairly critical to getting the resources into county councils to allow you to maintain a sustained degree of site.

Mr Summers: Everybody in county councils across the country suffers from the same thing. In Hampshire our rents are £35. We only get £25.

Q253 Chairman: This is also something we want to pursue with the Minister next week. Can I take you on to one final issue and that is this question of trespass. Who should be responsible for shifting people where there is illegal trespass?

Mr Cairns: As a county council it is part of my function to protect the integrity of county council land. Therefore as the Gypsy officer and specialist officer I go there to ensure that when we are there we understand that we are dealing with ethnic minorities. We have policies to deal with that. We look at the other duties that we do have that are already in the legislation—the Education Act and Welfare Act—so on county council land it must be a county council officer.

Q254 Chairman: Are you using the Anti-Social Behaviour Act 2003?

Mr Cairns: 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.

Mr Holland: 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 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 the 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. There is a considerable difference in views on this within the organisation and within authorities.

Q255 Chairman: You talk of a future in which there will enough pitches for everybody who wants to go on one but they will almost certainly have to pay. Is there a possibility that some Travellers will be totally reluctant to pay and, if so, ought there then be some change in the law to make sure that there cannot be free loaders?

29 June 2004 Mr George Summers, Mr Terry Holland, Mr Ian Cairns and Ms Pat Weale

Mr Cairns: 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.

Q256 Chairman: And what would that power be?

Mr Cairns: Again, it would be power to remove them from their area over which they have authority.

Mr Summers: Recently there have been changes to the Police Act, Section 61, Section 62, A to E, where the police can actually move people on to sites if there are sites available. However, at this moment in time there are insufficient sites available so this legislation is totally unworkable. In what we are doing at the moment we appear to be putting the cart before the horse. Instead of trying to find accommodation on permanent sites and also transit

sites, we are bringing in legislation that says you have the power to move people without having the accommodation to move them to.

Q257 Chairman: Right, so what you are saying is we have got the legislation and if we had the sites we would then be able to move people onto those sites?

Mr Summers: There are different requirements. 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.

Q258 Chairman: If there were sufficient transit sites you are saying that the law would then make it possible to move people off illegal sites on to those transit sites?

Mr Summers: That law is available now to the police. At the moment you do not have this network so when anyone stops anywhere, unfortunately, they are on an authorised stopping place.

Chairman: On that note, can I thank you very much for your evidence.

Tuesday 13 July 2004

Members present:

Andrew Bennett, in the Chair

Mr Clive Betts
Mr John Cummings

Chris Mole
Christine Russell

Witness: Chief Constable Alastair McWhirter, QPM MA, Association of Chief Police Officers, examined.

Q259 Chairman: Good morning Mr McWhirter and welcome to the Committee. Could I ask you first of all to identify yourself for the record, please?

Mr McWhirter: I am Alistair McWhirter, Chief Constable of Suffolk and representative of ACPO.

Q260 Chairman: Do you want to say anything by way of introduction or are you happy for us to go straight to questions?

Mr McWhirter: I would like to say that I represent ACPO on its Public Order Sub-Committee and speak also on behalf of rural policing issues on behalf of ACPO.

Q261 Chris Mole: Good morning Chief Constable. In your submission you have said that “the police experience is that there are insufficient sites to meet demand”. Do you believe that the Government should reintroduce a statutory duty on local authorities to provide sites for Gypsies and Travellers?

Mr McWhirter: I am not sure that it is a matter for the police to comment on, to be quite honest. What I can tell you is that it would make a great difference to us to have more sites because we feel that the number of sites does not meet the demand for them and therefore the police, along with local authorities, are constantly put in a situation where they have to deal with people who have nowhere to stay. Essentially what we are doing is moving on homeless people from one place to another, very often not knowing where those people are going to or alternatively knowing that they will merely move half a mile down the road to another site which may be worse than the site they are on.

Q262 Chris Mole: In your submission you have been critical of agencies working in separate silos. Do you think there is a need for greater inter-agency cooperation?

Mr McWhirter: I think there is a significant need for greater inter-agency cooperation. If I can I would like to commend the ODPM and the Home Office on the latest guidance because I think the guidance goes a long way to helping us to develop that sort of partnership working at a local level and for me the great strength of the document is that for the first time it identifies a clear lead and it gives that clear lead to local authorities which was not there before. With Section 61 and Section 77 of the Criminal Justice and Public Order Act the police and local authorities were often squabbling between themselves as to who had responsibility; we now have a clear lead. That said, silos are still

there because what happens in local communities is that a group of Travellers moves in and takes over a piece of land and then very often the police, the local authority and the land owner will work together and will eventually move the people off either by using the criminal law or civil law; they will be moved off, they will leave the district council area and everyone will breathe a great sigh of relief because they have gone. Somebody will pay for the clearing up and so on but nobody ever takes the responsibility for passing on the information about who are the people who are actually causing damage, who are the people who are ripping off members of the public by offering to do work and then doing slipshod work and not sharing that information with other agencies. What happens is that no intelligence follows on from group to group and I believe very strongly—and ACPO believes very strongly—that we should now overcome that barrier and for the first time try to share information across the country, but we feel that it needs government will for that to happen because it will need to bring together more agencies to work together in law enforcement for a very long time.

Q263 Chris Mole: You have touched on the national need and the information system which I think we are going to return to in a moment, but we have also been told that there is a need for a regional dimension in terms of over-viewing the appropriate location for sites. Is that something you would agree with?

Mr McWhirter: I would agree that that would be very helpful. Again I do not think it is a matter for the police to comment specifically on sites but it would help us to do our work to have somebody who had a clear picture of what the need and the demand was. I find myself in the situation in Suffolk where we are in an oasis, surrounded by counties which have large influxes of Gypsies and Travellers and Suffolk has very few by comparison. There are routes and areas that constantly have Gypsies and Travellers moving across those areas; there are traditional areas and there are new routes because people tend to go where work is and 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

13 July 2004 Chief Constable Alastair McWhirter, QPM MA

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.

Q264 Chairman: You were a bit reluctant to comment about a statutory duty. Can I just press you a little bit more about this question of a statutory duty?

Mr McWhirter: 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.

Q265 Chairman: So far as the police are concerned, if there was a statutory duty on local authorities it might help.

Mr McWhirter: It might help, yes.

Q266 Christine Russell: Can I go on to the issue of managing anti-social behaviour now? Would you like to give us your comments on whether or not you feel the police have sufficient powers to tackle anti-social behaviour that sometimes sadly does occur between Travellers and local communities, rather than within the travelling communities?

Mr McWhirter: Yes, we have sufficient powers to deal with anti-social behaviour; we are not seeking any additional powers. We were part of the discussion on the powers that we have in the latest Act. I think it would help if there were sites to move people on to. Going back to the anti-social behaviour part of your question, the Government has given us perfectly sufficient powers to deal with it. That does not mean that there are not huge difficulties in dealing with it because 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 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. One of your earlier people giving evidence—the gentleman from Cottenham Residents

Association—said that the police will not go in unless they are sure they are going to win. To a certain extent he is quite right. We are very careful about going in there and sorting out these problems because very often we have few police officers initially to be able to deal with that and we have to build up sufficient resources because there are usually fairly large numbers of people involved. It can prove difficult to deal with and often in mêlées and those kinds of disorders it is hard to identify entirely who is to blame and how you can sort it out other than by stopping the breach of the peace that has taken place.

Q267 Christine Russell: So you are really saying that it is an irrational fear of outsiders firstly and then secondly police forces are reluctant to intervene unless they have sufficient officers available.

Mr McWhirter: Yes.

Q268 Christine Russell: So the criticism that you turn a blind eye is not true, but you do need to make sure that you have sufficient resources on the ground.

Mr McWhirter: Yes. 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.

Q269 Chairman: What you are telling us actually is that if there is a sufficient number of Gypsies on a site they can stop the police actually enforcing law and order unless you have sufficient resources to do it.

Mr McWhirter: Yes, 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,

13 July 2004 Chief Constable Alastair McWhirter, QPM MA

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 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.

Q270 Chairman: You put the resources in to move them on when there is a big group of them illegally camped, but what about going into smaller sites for things like failure to display tax discs and other relatively minor criminal activities? Is it a temptation for police officers to think that there are other things of a higher priority and so they get away with a certain level of misdemeanours which would be pursued with other members of the public?

Mr McWhirter: 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.

Q271 Mr Cummings: Do you believe that the Gypsies and Traveller community could themselves do more to eradicate anti-social and criminal behaviour from the community?

Mr McWhirter: I think that all communities could do more to eradicate anti-social behaviour. 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.

Q272 Mr Cummings: Obviously you believe that something positive can be done by the Gypsy and Traveller community. Can you tell the Committee how you believe this can be achieved and whether any progress has been made in that direction in the past? Do you have any practical examples?

Mr McWhirter: 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 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.

Q273 Chairman: When you talk about liaison officers, is that liaison officers within the police force or within the local authority or both?

Mr McWhirter: 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.

Q274 Mr Cummings: Gypsy and Traveller groups have indicated to this Committee that all sites should obviously have amenity blocks on each pitch, but your submission indicates to the Committee that amenity blocks on transit sites are frequently subject to extensive and criminal damage. Have you any suggestions how this damage can be avoided? Is it a matter of educating the Travellers themselves, alongside their rights, to take the responsibilities that go with those rights in order to protect what amenities are being provided for them?

Mr McWhirter: I believe that in the design of any new site there needs to be consultation, as you would with the settled community about the design of houses. I think the transit sites should be designed in consultation with the Gypsy and Traveller community. I think that is the only way we are going to avoid the damage. I think you are going to see a transit site tomorrow where there has been extensive damage in the past. I used to police that area so I know about that particular site. That is an area where there was a huge amount of money spent on that particular site and then it was very seriously damaged.

Q275 Chairman: Was that because it was badly designed?

Mr McWhirter: I do not know the reason behind that and I do not think I can answer the question fully. All I am saying is that I think that if you are

13 July 2004 Chief Constable Alastair McWhirter, QPM MA

going to be successful in designing something you want people to use and they feel is effective, then there needs to be consultation in that process.

Q276 Chris Mole: You were touching just now on the importance that ACPO see in having a cross-cutting information system to record information about anti-social behaviour or environmental damage. Can you explain how that might work and would it be similar to the New Age Traveller monitoring system of the 1980s and 1990s?

Mr McWhirter: Yes, I think it would be similar to the New Age Traveller monitoring system of the 1980s and 1990s 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.

Q277 Chris Mole: Whilst I am sure the Chancellor would welcome the additional VAT income, is there not a serious worry that people on this list are never going to get on a proper site and are going to be permanently camped illegally as a result?

Mr McWhirter: I think that what we are talking about is people who are camping in an unauthorised way rather than people coming onto an authorised site, although I can see the point you are making. 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.

Q278 Chris Mole: So ACPO have acknowledged those civil liberties questions.

Mr McWhirter: Yes.

Q279 Chris Mole: What could you then do to reassure people that it would be used to trace offenders and not—as some Gypsies and Travellers might be concerned—an index of all of them?

Mr McWhirter: 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.

Q280 Chairman: It has been said to us that in Southern Ireland the police, Customs and Excise, the Revenue have all been getting tougher with some of the travelling communities and that has produced quite a few moving to this country. I do not know whether that is true or not, but what would be the impact if you actually got tougher with these groups? Would they simply move to places where life was a little bit less law enforcing?

Mr McWhirter: I cannot answer that question; I do not know the numbers coming from Southern Ireland. I have heard anecdotally the same thing as you have in relation to that particular point. However, 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.

Q281 Mr Betts: In your submission you expressed some dissatisfaction with ODPM in the length of time it has taken to publicise and disseminate the new “Guidance on Managing Unauthorised Camping” that the Department has produced. If I can paraphrase what you said, rather than a formal launch it sort of fell in the water. Is this a criticism you still hold?

Mr McWhirter: It was not meant to be a criticism. The point I was making was that it has not been formally launched and I think it deserves a formal launch. The point I was making is that it is still under

13 July 2004 Chief Constable Alastair McWhirter, QPM MA

consultation because they are looking at points in Sections 62(a) to (e) and there is further consultation taking place. My understanding is, since I wrote the submission, that it is going to be more formally launched so I am encouraged by that. If I had a criticism I think it would be over the long gestation period of the document in the first place. We started work on it in 2001 and finally in 2004 it saw the light of day, so it has taken a long time. I think it is a good document despite that and far, far better than the 1998 document.

Q282 Mr Betts: What difference will people see when it is formally launched?

Mr McWhirter: I genuinely think that at a local level it will make a difference. I think it has a clarity and practical use that the previous documents did not have. I think it is genuinely a good guide for police and local authorities to work to and I think if people follow its contents effectively and well then they will be prepared to deal with issues when people move into an area and be able to deal with those much more effectively. 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 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.

Q283 Mr Betts: You appear to have some concerns about the additional powers granted to the police under the Anti-Social Behaviour Act 2003, that they really are not very much use to you. Can you elaborate on that?

Mr McWhirter: Yes. I think the powers themselves are useful powers if there were transit sites to move people onto. There are difficulties associated with the powers. The powers have difficulty in the sense that one can imagine going on to an unauthorised site—and this is what the consultation that is going on has been about—and saying to people, “We would like you to move off now, please, out of the district council area because there is a transit site available that you can move to” and them saying,

“Yes, well there are only 12 pitches on there and there are 15 of us here, which are the ones you are not going to move on? We travel as a family group.” Those are practical things that we can overcome. We think it is a useful power; we were consulted in the process. However, it needs local authorities to take up the option of having transit sites and we all know that is proving more difficult even though there is money available.

Q284 Mr Betts: Trying to recap what you are saying to us this morning, is it: provide more sites and then we can take a more effective action towards the unauthorised camping?

Mr McWhirter: I think that is part of the process; I do not think it is all of the process. I do think the silo issue about treating it as a very local problem when in fact we have a regional and national problem is one that needs to be addressed and that can only be addressed by sharing information in an effective and proper way.

Q285 Mr Cummings: Drawing from your considerable experience, what sort of site management works best?

Mr McWhirter: 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.

Q286 Mr Cummings: How do the police and other authorities tackle issues of conflict such as those that arise between families fighting in power struggles? How can these be resolved?

Mr McWhirter: In the same way as we deal with them in the settled community which is often not very well, I am afraid, because 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—ie 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.

13 July 2004 Chief Constable Alastair McWhirter, QPM MA

Q287 Mr Cummings: You also say in your evidence that Travellers privately complain about being intimidated but very rarely make an official complaint to the police. So there is evidence of intimidation.

Mr McWhirter: Anecdotal evidence often through third parties but in terms of actual reports to the police it becomes very difficult. The suggestion is

that what often happens is that somebody will think that they would like to take over a site which other people are on and we will get power struggles over that particular site.

Chairman: I think we will have to close this part of the session at that point. Thank you very much for your evidence, Chief Constable. Can we have the next set of witnesses, please?

Witnesses: **Councillor Susie Kemp**, Chairman of the LGA Planning Executive, **Councillor Chloe Lambert**, **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, examined.

Q288 Chairman: Good morning and welcome to the Committee. Could you please identify yourselves for the record?

Mr Treble: My name is John Treble. I am a resident of a small rural parish in Somerset. I am vice president and vice chairman of the Somerset Association of Local Councils and former chairman of our Parish Council which, relatively speaking, houses a large number of Gypsies. We have long experience at the grass roots level.

Mr Green: Michael Green, Policy and Parliamentary Affairs Manager for the National Association of Local Councils.

Councillor Kemp: I am Councillor Susie Kemp. My home council is West Berkshire Council and I am chairman of the Local Government Association Planning Executive.

Councillor Lambert: I am Councillor Mrs Chloe Lambert. I am a member Aylesbury Vale District Council and I am also one of the two deputy chairmen of the LGA Planning Executive.

Mr Searles: I am Lee Searles. I am Programme Manager for Planning and Transport at the LGA.

the statutory duty supported by adequate funding. Can you explain why you think reinstatement of the statutory duty is so important?

Councillor Kemp: Really to ensure that sites are provided. We think that the new Planning Act provides an opportunity with the regional spatial strategies. 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.

Q289 Chairman: Do any of you wish to say anything by way of introduction or are you happy for us to go straight to questions?

Mr Green: I would like to make a quick introduction. In light of the evidence we have submitted, one of the general principles by which the National Association decides its policy—particularly around this issue—is to try to bring consensus and agreement in areas where others might try to bring heat. We are very pleased that today it has come into the public domain that the Travellers Reform Group and Cottenham have come to a joint agreement based on the communication they have been having recently—I believe they have both given evidence to you—and I can hopefully commend this agreement which the National Association does not sign up to every dot and comma of, but anything which takes out any unnecessary heat from any issue in discussions is something which the National Association would wish to promote.

Q291 Chris Mole: So if it were to be re-introduced can you explain why you are pointing toward it not being for all authorities?

Councillor Kemp: Very simply because 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 trying to be sensible about it and say that clearly there are areas in our country where Gypsies and Travellers want to be.

Q292 Chairman: That is a cop out; every local authority is going to say the Gypsies and Travellers do not want to come here.

Councillor Kemp: I speak from experience. I have Travellers in my own ward and I know at first hand the grief it causes law abiding residents and the settled community (as it has been referred to earlier today). However, the fact of the matter is that there are some parts of this country where Travellers do not want to be and therefore I think we have to be sensible about providing sites and where they are provided because they must be used.

Q290 Chris Mole: Evidence from the Local Government Association talks about site provision numbers only being improved by reinstatement of

13 July 2004 Councillor Susie Kemp, Councillor Chloe Lambert, Mr Lee Searles, Mr Michael Green
and Mr John Treble CBE

Mr Searles: 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.

Q293 Chris Mole: You have referred on a number of occasions to doing these assessments at a regional level and a number of our witnesses have made similar points. How do you think national policy should make that happen?

Mr Searles: We think that if the Government made that 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 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.

Mrs Lambert: Also I think it needs to be provided at a sub-regional level and not just a regional one. I think that is very important because as previous speakers have referred to there are local differences between the need for Traveller sites. Could I just come back to the possible reinstatement—hopeful reinstatement—of the statutory duty on local authorities? I think every local councillor who has had to deal with a Travellers' unauthorised encampment will encounter extreme difficulties. 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.

Q294 Chris Mole: So what you are talking about is something like the housing planning numbers process.

Councillor Kemp: Yes.

Q295 Christine Russell: What are really saying is that it would get the local councillors off the hook if the local councillor could turn round and say, "It is not my fault, it is central Government saying that there has to be a Gypsy site in this area".

Mrs Lambert: Would that it did get us off the hook. I am sure it would not entirely, but at least it would enable local authorities and members, in consultation with the public—and I include the travelling public in that as well as the settled community—to provide sites that are needed in the most appropriate places and not in places where unauthorised encampments take place at present which undoubtedly causes more aggro for people.

Councillor Kemp: 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.

Q296 Christine Russell: Can I turn to Mr Treble and Mr Green now. In your submission you talked about Travellers having the same access to a range of accommodation as is accepted in settled communities. You are saying that the planning process needs to encourage greater diversity. Is this really realistic knowing how difficult it is to get any local support for a designated site?

Mr Green: In the context of GTS36 (which is the National Association's policy) I think it is realistic to say that the Gypsy and Traveller community have legitimate requirements in terms of arrangements of accommodation. Some have the legitimate requirement to privately own permanent sites; some will have a need for transit sites; some may even have the need for mixed. We do not see, as a National Association, the general principle that planning authorities should be dealing with those well-founded expectations any differently than they deal with the well-founded expectations of people who wish to reside in normal accommodation in their areas or the well-founded but perhaps less deliverable expectation that there might be public sector rented accommodation available or private rented sector accommodation of a certain standard available. In that context Gypsies and Travellers are not separate in that context. At this point I do need to make the point that Mr Treble's county—Somerset—have a

13 July 2004 Councillor Susie Kemp, Councillor Chloe Lambert, Mr Lee Searles, Mr Michael Green
and Mr John Treble CBE

slightly different policy position and Mr Treble has put his own memorandum into this discussion, but in the context of what is written in GTS36 I believe it is a legitimate statement which, in the end, it is for planning authorities, perhaps under influence and guidance from government.

Q297 Christine Russell: You mentioned the Circular 1/94. Do you think that actually needs revising and, if it does, how would you revise it? It is the evidence that gives the planning guidelines.

Mr Green: NALC and I look at 1/94 as part of the context of a whole. I think it is legitimate to say that 1/94 has been interpreted so broadly across the board that it provides problems in itself that in the end something like a return to statutory provision would clarify. In that context as well it would also help if there was a clear statement—particularly when looking at planning issues and what land can be used for and whether or not it is legitimate for there to be encampments on the land—that the planning process is neutral with regards to the ethnic or lifestyle background of those making the application.

Q298 Christine Russell: As it is being interpreted at the moment do you feel it is being interpreted perhaps too negatively as giving authorities the opportunity to say no?

Mr Green: When that case has been put by others representing other sections other than first tier councils, it does seem to be genuine. Whether it is real or whether it is perceptive, there is a real concern that sometimes the planning process is not neutral in that regard.

Q299 Mr Betts: If a statutory duty was reintroduced, presumably you would be expecting grants to with that. What sort of grants would you be looking for and—I suppose the age-old question—how do you deal with those authorities that have already got on with the job and provided sites? Do you not think they will feel a little aggrieved that they have done it from their own expense but the ones who have not bothered in the past now get the grants to help?

Councillor Kemp: 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.

Q300 Mr Betts: You would expect revenue funding at least for the existing sites as well as new sites.

Councillor Kemp: Absolutely.

Q301 Mr Betts: We have had evidence of the problems with county council sites and the particular restrictions on getting appropriate rent for those, are you now looking for a rent regime to cover all public sites?

Councillor Kemp: I think we need to make sure there are sufficient revenue flows flowing into both levels of councils where we have two-tier councils. I am not an expert on how that is done, but it is clear that councillors will be more motivated to do the job properly if they are fully funded for it.

Mrs Lambert: There needs to be parity really.

Q302 Mr Betts: Between the different public sites?

Mrs Lambert: Yes, absolutely.

Q303 Christine Russell: I want to move on to what you do about illegal encampments and ask perhaps Mr Treble and Mr Green initially, in your evidence you say that you consider the most effective way to deal with illegal encampments is to impose a duty on each local authority to provide a minimum number of transit pitches. Why do you think that would work and how do you define local authority in a two-tier situation?

Mr Green: I think the answer to the last question is a matter for ODPM but 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. It probably would be district but in a sense the more the principal local authority sector moves towards unitaries the less the issue is worth debating.

Q304 Christine Russell: There is a lot of buck-passing at the moment.

Mr Green: 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.

Councillor Kemp: I think I must come to the defence of counties and districts. There is good cooperation and good liaison. Clearly good guidance would always help but I would not want this Committee to go away with a feeling that counties and districts do not talk and liaise with each other over this issue.

Mr Treble: I have been a bit thrown by that last remark. 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. The second point I want to make is that I agree with all that has been said that the only way through this—as I said in my paper—is to have a statutory duty but 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

**13 July 2004 Councillor Susie Kemp, Councillor Chloe Lambert, Mr Lee Searles, Mr Michael Green
and Mr John Treble CBE**

25 years of that Act only 35% 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 and—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. If so, a duty to provide suitable accommodation rests on the housing departments and housing departments are almost invariably—I think invariably—with district councils and not with county councils.

Q305 Chairman: So you want a statutory duty and a courageous minister!

Mr Treble: 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. We have sites like that. Our county council has a very big transit site near Bridgwater which it manages very well. You asked about management and I have a couple of points on that. One thing is to recruit a Gypsy who wants to be permanent and let him manage the site. It can work very well.

Q306 Christine Russell: What I am trying to tease out is whether there is any agreement amongst you as to whether or not transit sites should be actively supported and recommended as a way of tackling illegal encampments and, if you do agree on that, who should manage them? Mr Treble, you have just suggested the Travellers themselves should have a responsibility. What is the LGA's stance?

Mrs Lambert: I would say that officers of the district should manage it in liaison obviously with the county council. Under the previous legislation planning-wise usually you had provision for Gypsy and Traveller sites in the old county structure plans and then it was up to the districts in their local plans to have specific policies relating to Travellers. That sort of thing would continue but obviously under the new development frameworks.

Q307 Christine Russell: My final question is on unauthorised camping. There has been a suggestion in a recent circular or guidance note from ODPM that there needs to be far more cooperation and discussion between neighbouring local authorities and neighbouring police forces than goes on at the moment. How realistic is that recommendation from government?

Councillor Kemp: I think we support it. It has to be realistic. I think it is something that councils have to start doing. I go back to where I started really because I think the new Planning Act with the regional spatial strategies, the sub-regional strategies and the local development plans actually afford an opportunity for us to do that. I think that is a very positive thing that we have at our disposal. One of the things I wanted to get on the record before we finish is about the illegal encampments. We do welcome the temporary stop notice that we have in the Act and hope that we will have some good guidance to go with that. I think we see that as a tool that local authorities can use to stop illegal encampments.

Q308 Mr Cummings: We spoke briefly about site management, but who do you believe to be best placed to manage Gypsy and Traveller sites? Do you believe it is local authority officers, Gypsies themselves or have you given any thought to or explored other alternatives such as Registered Social Landlords?

Mrs Lambert: I have no experience in my own authority of Registered Social Landlords being involved.

Q309 Mr Cummings: There is one I understand it is the Novas-Ouvertures group in Kent. They manage eight sites in Kent, Sussex and south-east London.

Mr Treble: We have no experience of it but we have examined the possibility and have one housing association that indicated an interest but we just do not have the camps at the moment where they could be deployed.

Q310 Mr Cummings: But you have explored other alternatives to local authorities or Gypsies themselves.

Mr Treble: Yes.

Q311 Mr Cummings: Have you reached any conclusions?

Mr Searles: We do not have an established policy on that. I suspect we would think that if there are solutions locally that local authorities want to pursue . . .

Q312 Mr Cummings: But have you explored any?

Mr Searles: No, we have not.

Mr Treble: 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

13 July 2004 Councillor Susie Kemp, Councillor Chloe Lambert, Mr Lee Searles, Mr Michael Green
and Mr John Treble CBE

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.

Q313 Mr Cummings: That is extremely helpful, thank you. Good management appears to be the key to any successful sites. I think you have all agreed on that. How easy is it to find people within local authorities to take on the job of Gypsy and Traveller Liaison Officer, site managers? As an association are you providing any training courses? Are you moving in that direction to encourage local authorities to provide adequate training?

Councillor Kemp: No, we are not.

Q314 Mr Cummings: Can I ask why not? The LGA is supposed to be doing these sorts of things. Do you have an ideal design for a site?

Councillor Kemp: No, we do not. I think in our defence like every association we have a limited amount of resource and I have to say that our resource within our own executive has been fairly and squarely put at the Planning Act where we have spent a great deal of time and energy making sure that that comes out in the way we hoped it would. I think going forward clearly there is a piece of work to be done and as chairman I undertake to go back to the Association and see that we do look to do something. We have had seminars and conferences over the last 12 months. Down at Bournemouth last week we did have a very good

meeting with councillors and officers regarding Travellers. We are in dialogue but clearly we need to do more.

Q315 Chairman: If we looked at this issue again, say next Easter, would you be able to tell us exactly what you have done?

Councillor Kemp: We will certainly go away and make sure that we look at it carefully and how we can use resources to look at this issue. This is an issue that has given a great deal of difficulty for many councillors and many councils, particularly with illegal encampment and it is something we have to, as an Association, focus more on than I think we have hitherto. I think we need to have guidance not only for councillors on how to deal with it but also indeed residents. 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.

Q316 Mr Cummings: It appears that the LGA have done absolutely nothing about anything. Perhaps if this Committee has changed anything at all it is to have turned your attention to a problem that has been with us for a very, very long time.

Councillor Kemp: I think that is unfair. I think with a Planning Minister sitting behind me I hope he will nod his head and say that we have engaged with him somewhat over the Planning Act.

Chairman: On that note, can I thank you all very much for your evidence.

Witnesses: **Rt Hon Keith Hill**, a Member of the House, Minister of State for Housing and Planning, **Ms Dawn Eastmead**, Head of Housing Management Division, and **Mr John Stambollouian**, Head of Planning Directorate Division, Office of the Deputy Prime Minister, examined.

Q317 Chairman: Good morning and can I welcome you to the final session of our inquiry into Gypsy and Traveller sites. Can I ask you to identify your team, please?

Keith Hill: I would like to begin by introducing my officials who will be supporting me through the Committee's deliberations this morning. I am joined by Dawn Eastmead, Head of Housing Management and John Stambollouian, Head of Planning Control.

Q318 Chairman: Would you like to make a brief statement?

Keith Hill: I would like to make a brief statement to update the Committee on the activities of my Department but I will try to make it as brief as possible. As the Committee is aware the Department is currently undertaking a comprehensive review of its Gypsy and Traveller policies which is due to report to ministers in the summer. The review centres around Gypsy and

Traveller accommodation issues. This consideration is set within the over-arching policy aims of mainstreaming Gypsy and Traveller issues in the housing and planning systems and improving social inclusion. Gypsies and Travellers are a marginalised group who often fare worse than others in terms of health, education and employment. Stable and appropriate accommodation would go some way towards facilitating improvements in these areas although it is by no means the whole answer. In advance of the review being completed a great deal of activity is already underway in the Department. I am pleased to inform the Committee that new guidance on housing needs assessment is being prepared which will include guidelines on assessing the needs of Gypsies and Travellers. The current Circular 1/94 is being revised to address some of the problems there have been with getting planning permission for sites. In addition, the new planning system will bring a regional dimension to the consideration of Gypsy and Traveller needs and provision. The Gypsy Caravan Count is being

13 July 2004 Rt Hon Keith Hill MP, Ms Dawn Eastmead and Mr John Stambollouian

revised to improve its accuracy and usefulness and the document *Revised Guidance on Unauthorised Encampments* was published on the ODPM website in February and will shortly be incorporating new guidance on the Anti-Social Behaviour Act Trespass Powers. I can also tell the Committee that the Gypsy site refurbishment grant continues to improve conditions on sites around the country and to provide new transit sites and stopping places. We are planning to extend the permissible purposes of the Housing Corporation to allow RSLs to provide Gypsy and Traveller sites and through the Planning and Compulsory Purchase Act we have introduced temporary stop notices which will help to tackle some of the problems arising from unauthorised development. I hope the Committee will agree that a good deal is already happening. Our aim is to give Gypsies and Travellers the kind of choices that others take for granted; to see Gypsies and Travellers and the settled community living peacefully together in cohesive communities and to reverse years of marginalisation and exclusion. I do not underestimate the challenges but I am confident that a very positive start has been made.

Q319 Chairman: Thank you very much for that; it is very helpful. You refer to this report to ministers in the summer. Presumably that is this summer and for ministerial purposes how long does this summer go on for?

Keith Hill: It is this summer, I am happy to confirm, and the summer is the summer!

Q320 Christine Russell: You have pinched my question, Chairman; that was going to be my question. Let us say summer goes on for another three months maximum. Are you anticipating any slippage after that?

Keith Hill: I do not think so, no.

Q321 Mr Betts: Every witness we have had so far has said that the key to all this is getting a statutory duty on local authorities to provide sites. Do you accept that?

Keith Hill: 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.

Q322 Mr Betts: Given your wide responsibility for the whole nation, how is whatever you are going to develop as a policy going to ensure that we do address this shortfall. We had the evidence of Pat Niner that we would probably require up to 2,000 permanent and slightly more transit sites and she said that the might be an underestimate and they would be required by 2007. In every estimate that has been done it is accepted there is currently a shortage. Do you accept that the central remit of the policy you come up with has to be to address that shortage and made sure it is done?

Keith Hill: I think we certainly need to take every possible step to deal with what you might describe as the unmet demand. 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 4,000 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. I do think that one of the ways in which we need to go forward is by the new housing need 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.

Q323 Mr Betts: I suppose people will say that is a great aspiration and then ask what happens if no more sites are produced as a result. This is people's great concern. Everyone can identify with the problem, everyone recognises something has to be done about it, but in the end things do not get done so, as Minister, what will you actually be looking for in terms of the powers you to make sure that it is actually delivered in terms of the number of sites that are needed?

Keith Hill: 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.

13 July 2004 Rt Hon Keith Hill MP, Ms Dawn Eastmead and Mr John Stambollouian

Q324 Mr Betts: No-one is questioning that this might provide a much more accurate assessment perhaps of what the need is and what the numbers are. I think there is a sort of scepticism that unless there is a statutory requirement to actually deliver the sites they will not get delivered. Everyone will accept the need and nothing will get done.

Mr Stambollouian: Could I just elaborate on how this will interface with the new planning system. 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.

Q325 Mr Betts: I can see there are one or two funny looks around the room about this. We have the need assessment; we have the strategy; we have the allocation of provision to authorities, but what happens if no more sites are provided?

Keith Hill: I think that under the new system—which will offer greater clarity as to the way in which the need for sites will be identified—we will see this greater cooperation at a sub-regional level between authorities. It is perfectly clear that local authorities will have a key role in identifying appropriate locations for sites and working with Gypsies and Travellers to assist them to find land that they can purchase and develop. I do not think we ought to ignore the extent to which the Gypsy and Traveller community is actually interested in the acquisition of land on which to settle.

Q326 Chairman: How long is the planning process going to take? Six years if I am being generous?

Keith Hill: As you know, Mr Chairman, the object of the new planning framework is to deliver a new planning framework which is not only more participative but also more flexible and faster as well. I would not like to speculate about the timescale on this. The reality is that at the beginning of this year there were just under 6,000 caravans on local authority sites and just under 5,000 caravans on private sites. In other words, it is worth bearing in mind that the Gypsy and Traveller community does have a propensity, where the opportunity arises, to purchase their sites. If this could be managed properly I think that planning permission for a private site would certainly be in conformity with the aspirations of many of the Gypsy and Traveller community and certainly, as far as government is concerned, a less expensive option.

Q327 Mr Betts: You would not be doing your review if there were not a problem out there about illegal camping, about the problems of moving people on, about the lack of transit or permanent sites; that is the issue. For all the needs assessments and the strategy being formulated, I am just not convinced that that is actually going to deliver the number of sites that are needed to deal with the problems that both the Gypsy community and the residential communities are actually experiencing.

Keith Hill: Well, Mr Betts, it may not deliver a total solution to what is an age old and extremely intractable issue. The evidence we heard from Mr Treble was that only 38% of authorities actually delivered sites but nevertheless the fact of the matter is that we do have the opportunity in this new framework to deliver on a more systematic basis than heretofore even though it may not be a total answer.

Mr Betts: What Mr Treble said was not that it was not necessary to have a statutory duty but it was not sufficient. In other words, we had to have the statutory duty and then go on and actually use it. Without the statutory duty we are not going to solve the problems, are we?

Q328 Chairman: He agreed that with a statutory duty and a courageous minister we were there!

Keith Hill: You can have one of those, Chairman!

Q329 Mr Betts: Which one?

Keith Hill: That is for the Committee to decide. I do not think, with respect Mr Betts, that we ought to be looking for an instantaneous solution to this problem. We will do our best through a whole series of levels of approach on this matter and we will hope to make progress.

Mr Stambollouian: Could I just say one thing on this? You mentioned the period of time it would take to get full development plan coverage and I understand that point, but once we have the needs assessment which incorporates the Gypsy provision and those needs assessments are accepted at a regional level and that will not take all that long.

Q330 Chairman: How long?

Mr Stambollouian: 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.

Q331 Mr Cummings: The Committee took evidence from the Association of Gypsy and Traveller Officers, an organisation which has vast hands-on experience in dealing with Gypsy and Traveller sites throughout the length and breadth of the land. That organisation argued that there should be a structured regional and national framework to

13 July 2004 Rt Hon Keith Hill MP, Ms Dawn Eastmead and Mr John Stambollouian

organise provision and management of Gypsy and Traveller sites. Minister, do you agree with the organisation?

Keith Hill: I do think it is important that Gypsies' and Travellers' views are considered regionally as well as locally because, as you will have heard—as I heard this morning—there do often appear to be regional patterns of movement. The fact is that you need to have that regional consideration because some local authorities are fearful of making provision or taking a lead because they think that others will not do their fair share and the consequences are that they are deemed to be honey pots. We certainly think that there is a real opportunity to develop a more managed and rational allocation of sites through the new regional planning framework in the shape of the regional spatial strategies.

Q332 Mr Cummings: How should these frameworks be developed? How do you intend to pursue this issue?

Keith Hill: In terms of the identification of need, as I tried to indicate earlier, the districts will be identifying need. That will be fed up to the regional planning bodies who will develop their regional spatial strategies and as part and parcel of those regional spatial strategies we would expect that the regional spatial strategies would identify the appropriate numbers of accommodations required in each district. It would be absolutely for the district to identify the sites.

Q333 Mr Cummings: Within this framework will it be quite obvious to anyone dealing with this problem where the various responsibilities will lie? Will it be with environmental health? Will it be with housing?

Ms Eastmead: We take the view that it is very much up to local authorities about where the responsibility lies. We expect local authorities to appoint a lead officer or appoint a lead department and make sure there are clear lines of communication.

Q334 Mr Cummings: In a case like Durham where we have county councils and district councils, where would it lie?

Ms Eastmead: I would imagine that it would be down to local circumstances in areas. For example, there has been a tradition of the county council taking the lead.

Q335 Mr Cummings: This is part of the problem. There are traditions all over the place. Within the framework surely we can develop something quite specific so that we are left in no doubt whatsoever as to where the responsibility lies.

Ms Eastmead: We are certainly considering offering guidance. One of the reasons we have undertaken this review, as has been mentioned is that we do know that there are a number of areas that we need to explore and a number of issues that need to be resolved.

Q336 Mr Cummings: It is also argued that inter-agency cooperation, for example between environmental health and housing, is very poor. Do you not believe we should have an umbrella organisation who can draw these various agencies together?

Keith Hill: I dare say that the short answer is that all of these suggestions and proposals will be taken under consideration within the context of the review. I think actually, Mr Cummings, our bottom line sentiment would be that these would be a matter for decision making at the local level rather than for ministerial edict.

Q337 Chairman: The 1968 Caravan Act defines Gypsies. Do you think that definition is still valid?

Keith Hill: We are looking at the issue of definitions as a part of the review.

Ms Eastmead: I think it is a question of who you are defining it for. I think Pat Niner in her evidence made the point quite clearly that the definition is linked to what is expected to be provided. There is a difference between having a definition that leads specifically to a site 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.

Mr Stambollouian: As part of the review of the Circular it is one of the things we are looking at. 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 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.

Q338 Chris Mole: If you have two different definitions are you not going to have some people who fall foul of one but do not come under the scope of the other?

Mr Stambollouian: We need to ensure that they work together sensibly.

Q339 Chairman: The CRE, in their evidence to us, came up with a new definition. What do you think of their definition?

Ms Eastmead: They have actually submitted it as an amendment to the Housing Bill and 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.

13 July 2004 Rt Hon Keith Hill MP, Ms Dawn Eastmead and Mr John Stambollouian

Q340 Chairman: In the 1968 Act there was a very clear distinction between Gypsies and groups like travelling showmen. If you take the CRE definition you put those two groups back together undoing almost a hundred years of differences.

Ms Eastmead: 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.

Q341 Chairman: Is it satisfactory?

Ms Eastmead: We are considering it as part of the Housing Bill process.

Q342 Chairman: Under their definition presumably if I have a camper van I come under their definition if I go around the countryside wanting to find places to stop.

Ms Eastmead: I think it might be a little tighter than that, but there is a concern, yes.

Q343 Chris Mole: You probably heard the LGA confirming what we were told last week that there is a particular problem where county councils own land in covering the costs generated by sites because the Rent Service sets what appear to be artificial benefit levels. Are you aware of this and, if so, what steps are you taking to address it?

Ms Eastmead: Yes, we are. 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.

Q344 Chris Mole: Do you hope to continue to work with them to progress that and what sort of timescale are you looking at?

Ms Eastmead: Yes, we do. I do not know about the timescale.

Q345 Chairman: Could we perhaps have a note with the timescale?

Keith Hill: We will let you have a note, Mr Chairman, with pleasure.

Q346 Chris Mole: The only design guide for sites for Gypsy and Traveller sites was published in 1979. Do you intend to revise the guide and, if so, when and with what changes?

Ms Eastmead: Yes, we do. 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.

Q347 Christine Russell: I would like to move on to site management now. You heard this morning discussions revolving around who is best placed really to manage legal sites, is it local government officers or is it the travelling community themselves? During the course of your review have you looked at the issue of management of sites and do you have any interim comments you could make as to the evidence as to who best manages sites.

Keith Hill: 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 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.

Q348 Christine Russell: We have both been there as local councillors at budget meetings and argued about whether this is a mandatory requirement that we do need officers in order to manage these sites and, well, it is a discretionary power and we will leave it up to the Travellers themselves. Surely the guidance ought to be directional guidance.

Ms Eastmead: Yes, 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.

Q349 Christine Russell: Have you collected any evidence that you could share with us this morning on the effectiveness of either authority managing a site? There is anecdotal evidence that sometimes when the travelling community themselves are managing a site they can be fairly judgmental as to who they allow to come onto that site—for example if there are perhaps historic feuds—whereas perhaps it is less biased if the management comes from outside the community.

13 July 2004 Rt Hon Keith Hill MP, Ms Dawn Eastmead and Mr John Stambollouian

Ms Eastmead: We only have anecdotal evidence which is pretty much as you have described it. In some instances it works well. I think—I know it is an area that you are going to be probing later—that some of those issues are related to security of tenure on site and the freedom and flexibility that site managers have in terms of managing people coming and going on that site.

Q350 Christine Russell: I think you said earlier that you thought that each local authority should have a kind of named person.

Ms Eastmead: Yes.

Q351 Christine Russell: What about the training of those people because we received evidence from the Association of Gypsy and Traveller Liaison Officers and they mentioned this need for training which, again, presents a problem of funding? What are your views on that?

Ms Eastmead: Again we would say that was down to the local authority to prioritise its own funding needs, but we are aware of the Association and the good work they do and we also know that they run annual conferences to raise awareness themselves, but we would see that as a matter for local discussion.

Q352 Chairman: On the question of local authorities managing the sites or private management, does it not reassure the neighbours slightly more if the local authority manages a site?

Ms Eastmead: I think the thing that reassures the neighbours the most is that the site is well managed.

Q353 Mr Betts: One of the problems that has been raised with us by some local resident groups is the difficulties with illegal encampments—anti-social behaviour, environmental nuisance that results—and the very strong view expressed to us was that they believe the authorities have the power to deal with these issues but are reluctant to use them. How would you respond to that?

Keith Hill: This is on the issues of anti-social behaviour in particular, is that right?

Q354 Mr Betts: Anti-social behaviour and environmental damage.

Keith Hill: The evidence that we heard from Chief Constable McWhirter on this issue was very interesting. He obviously felt that the police now had, in terms of anti-social behaviour, sufficient powers on the statute book but of course the Committee was able to probe the circumstances in which police powers would be exerted. The point was made that the police have to be sure that they can effectively carry out the powers they have under statute. I think we are fairly satisfied that there is a sufficient armoury through the criminal justice system and in particular under the Anti-Social Behaviour Order provisions which can be used against individuals or groups who are causing a problem. As you know, Mr Betts, local authorities can also obtain injunctions and these have recently been strengthened by the addition of powers of arrests in cases of anti-social behaviour. Local

authorities have also been given stronger powers under the anti-social behaviour legislation to investigate and tackle fly tipping. I think we need to be clear about two things. On the one hand what you need is effective management of sites—to revert to the issue we were just discussing—and I think at the same time we need to be absolutely clear that this is a community which has been incriminated against, is the object of huge suspicion and often unfounded allegation, and Gypsies and Travellers have the same rights to be protected as the rest of the community.

Q355 Chairman: How many injunctions have been sought so far?

Ms Eastmead: The powers of arrest and injunctive powers were only introduced on 30 June this year and we do not get data on the use of those injunctions.

Q356 Mr Betts: One other thing we heard from the Chief Constable and from others is that there are powers around, there are powers under the Police Act and your guidance to local authorities will include these, but by and large there is a reluctance or inability to make the powers work if there is nowhere to actually move people on to if they are camped illegally.. This comes back to the issue about the provision of authorised sites.

Keith Hill: 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.

Q357 Mr Betts: In terms of these powers the concerns that have been expressed to us is that there are a lot of powers but not much evidence of use of them. Is some department going to be monitoring the use of injunctions, the use of Anti-Social Behaviour Orders to see whether the powers that have been given are actually used in practice?

Ms Eastmead: It is the Home Office's legislation and responsibility and they do monitor them although I am not aware that they actually break them down as to who they are used against.

Q358 Mr Betts: One of the other things that was raised by ACPO was their interest in having a cross-cutting information system about Gypsies and Travellers who have committed environmental and anti-social behaviour offences. They say that they wrote to your Department, to the previous minister, in April 2003 and to the Home Office. There were some discussions in October 2003 with officials and then nothing.

Keith Hill: 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

13 July 2004 Rt Hon Keith Hill MP, Ms Dawn Eastmead and Mr John Stambollouian

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.

Q359 Chairman: Have you had a response from them at all?

Keith Hill: I think our expectation would be that the Home Office would communicate directly with ACPO on this matter.

Q360 Chris Mole: Is it a silo by any chance?

Keith Hill: It is a silo issue. Yes, I suppose it is a silo issue but at least we passed it over the Home Office.

Q361 Mr Betts: So your officials have not had subsequent discussions then?

Keith Hill: Officials in OPDM did indeed meet with ACPO as part of the overall review process.

Q362 Mr Betts: Has there been a specific response to ACPO on this issue that you met them about?

Keith Hill: No, there has not.

Q363 Mr Betts: Will there be?

Keith Hill: I do not think so.

Q364 Mr Betts: From anybody?

Keith Hill: I would expect the response to come from the Home Office.

Q365 Mr Cummings: What role do you see for housing associations in the development of private sites?

Keith Hill: As you know, Mr Cummings, housing associations already have powers to manage the sites but we do intend to confer a new power on RSLs to build Gypsy and Traveller sites.

Q366 Mr Cummings: Will you be encouraging housing associations to take a more active role?

Keith Hill: I think that the Act of conferring a new power—which, by the way, will be by order, will be in itself an encouragement for RSLs to explore that possibility.

Q367 Mr Cummings: Can you tell the Committee what progress has been made on Yvette Cooper's suggestion that Registered Social Landlords be permitted to provide and manage sites with consequential access to housing corporation funds?

Keith Hill: If RSLs do have the power to build sites conferred upon them then that would be a legitimate call on housing corporation funding.

Q368 Mr Cummings: Do you think that group housing, as pioneered in Ireland, should be piloted in England?

Keith Hill: On this occasion I am going to pass you on to Dawn Eastmead because officials from ODPM have recently visited Ireland and I think they found it to be in very many respects an extremely enlightening experience in fact. I was going to offer, if I may, to let the Committee have a note which

summarises some of the observations made by my officials in the course of that visit, but on the specific issue of group housing let me turn you over to Dawn.

Ms Eastmead: We visited a number of different sorts of Gypsy and Traveller accommodation on our trip to Ireland and group housing was one of the sorts of accommodation that we saw. I think we would need to caveat this by saying that the Irish are fairly far down the line in their thinking on Gypsies and Travellers and have been working with Gypsies and Travellers very closely on accommodation needs for some years. Their task force report was launched in 1995 and the provision of group homes has been an evolutionary process and I think the types of accommodation provided in the 1990s tended to be towards permanent sites and Gypsies and Travellers—like people in the settled community—have different expectations now than they had maybe 10 years ago for the sorts of accommodation that they would like. 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.

Q369 Mr Betts: Do you believe such an initiative would be resource intensive?

Ms Eastmead: 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 imagine that you would have the same luxury of provision for anybody accessing social housing here.

Q370 Chris Mole: It appears that a lot of the planning law that has been made around Gypsies and Travellers has been done on a case by case basis where challenges have been made and an agency, acting with legal aid, has been shaping planning policy through case law. Are you happy that it should happen this way?

13 July 2004 Rt Hon Keith Hill MP, Ms Dawn Eastmead and Mr John Stambollouian

Mr Stambollouian: There is a lot of case law which has modified legislation and there are a number of noticeable cases which are frequently cited. However, I think possibly this is inevitable given the range of powers that there are for local authorities to take enforcement action in respect of planning breaches.

Q371 Chris Mole: What about the situation where you have case law in England affecting Wales and vice versa? Have you taken any steps to coordinate with colleagues in the Assembly?

Mr Stambollouian: We do work very closely with colleagues in the National Assembly for Wales and we certainly coordinate together. There have been a couple of recent cases in Wales which had the potential to affect England as well and we have coordinated very closely with our colleagues in the National Assembly on these.

Q372 Chris Mole: You were talking earlier on about the role of regional or local structures and regional spatial strategies. Where the 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?

Keith Hill: In that regard as well! I think, if I might say so, 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.

Q373 Christine Russell: Can I ask you then whether you think size matters? I want to return you to the provision of sites because some of the evidence we have had has said that sites can be made acceptable and manageable if they are small sites. You know as the Planning Minister that an application for six houses is far more acceptable than 60 houses, but there does seem to be some evidence that local authorities are taking the easy way out, shall I say, and are therefore extending existing sites rather than creating new ones. Does the Department have a view on that and are there any findings coming out of your review which may perhaps encourage smaller sites rather than larger sites?

Keith Hill: I will pass you on to John Stambollouian who has the detail on this, but 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. I will let John come in with the detail on this now.

Mr Stambollouian: I agree with what the Minister has said.

Keith Hill: I should hope so!

Mr Stambollouian: 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.

Q374 Chairman: What was the point in getting Pat Niner to do the work?

Keith Hill: Because she has informed in a very serious way the Government's consideration of these matters. If you look at the various Pat Niner recommendations almost without exception the Government has included these recommendations as part of the renew work—which is still not finalised as you know—or has acted on the recommendations. We think that it has been a valuable piece of work by Pat Niner and that we have responded in a very constructive way to her work.

Q375 Chairman: But there are not extra sites, are there?

Ms Eastmead: There are no extra sites at the moment but I think one of the things we have admitted is that there is an awful lot we do not know about Gypsies and Travellers.

Q376 Chairman: There is an awful lot we do know and there is a problem and we do not seem to be making much progress.

Ms Eastmead: The Pat Niner research was specifically commissioned to help inform the debate and I think what Pat has done is that she has informed the debate and opened a whole load more questions which we have to consider how we are going to respond to.

Keith Hill: If I might put it like this, Mr Chairman, it is true that for a number of years little progress seems to have been made on these issues and it is in acknowledgement of that lack of progress that the Government is now looking very seriously at these issues via the review. I can certainly give you the assurance that this is high on ministers' agendas.

Q377 Chairman: You told us at the beginning that the Caravan Count is going to be improved. Is that right?

Keith Hill: Yes, it is.

13 July 2004 Rt Hon Keith Hill MP, Ms Dawn Eastmead and Mr John Stambollouian

Q378 Chairman: What about security of tenure as far as Gypsies are concerned? Can you tell us anything about that?

Ms Eastmead: 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.

Q379 Chairman: When?

Ms Eastmead: We have a six month deadline in which to respond to the Committee.

Q380 Chairman: Six months from 27 May. Is that right?

Ms Eastmead: Yes, that is correct.

Q381 Chairman: What about employers, particularly the Government or government contracts? In Greater Manchester at the moment there is a lot of widening work going on on the M60 and it appears that a fair number of Travellers are doing the work on that site. It appears that the employer or the Government has no duty to provide sites for the Travellers who are working on that site so they just end up on any neighbouring local authority's land. Would it not be reasonable, where contracts have been let by the Government and perhaps other big construction companies, to make sure that they have a duty to provide suitable caravan sites for people who might be doing the work?

Keith Hill: I am disinclined to go down that path, Mr Chairman. It does seem to me that if you say you are going to do this for the Gypsy and Traveller employees then it does raise the question why are you not doing it for anybody else who happens to come in—as I am sure is often the case—from outside to construction projects.

Q382 Chairman: In the past big construction projects almost always made temporary sites available for people who were coming in to do construction work. It appears that that practice has disappeared perhaps to save money.

Keith Hill: That may well be the case, but I cannot say that this one is an issue that has been put to us with any urgency. This would be a matter for the Highways Agency of course and it might well be worth your while putting that particular question to them. And the best of luck, if I might say so!

Q383 Chairman: I thought you had sorted them out in your previous role! Trading Standards: it is alleged that some Gypsies do a fair amount of work on paths and tree-cutting and things like that, some of which is not up to standard. Are you happy that Trading Standards pursue bad workmanship among Traveller communities?

Keith Hill: I am very conscious of the issue of courage in these exchanges, but I have to say somewhat feebly that that really is not the responsibility of the Office of the Deputy Prime Minister; it is, I would imagine, a matter for DTI.

Q384 Chairman: On that note can I thank you very much for your attendance.

Keith Hill: It has been my usual pleasure.

Transcript of meetings held at Appleby Horse Fair, 7 June 2004

Event: The Office of the Deputy Prime Minister—Housing, Planning, Local Government and the Regions Select Committee—Visit to Appleby Horse Fair, 7 June 2004.

Date:

Interviewers: Members who ask questions:

Andrew Bennett MP

Bill O'Brien MP

Clive Betts MP

Staff:

David Smith

Libby Preston

Dina Lammerman

Interviewees: Gypsies and Travellers who do most of the speaking:

Gordon Boswell

Paul Winters

Jimmy Coltman

Billy Brough

ODPM Committee visit to Appleby Horse Fair, 7 June 2004

INTERVIEW WITH PAUL WINTER

ANDREW BENNETT: So what should be done?

PAUL WINTER: What should be done? Well, at the first stage there could be strong guidance from the government to say that local authorities should provide some basic facilities, acknowledging that they've got a right to be there. As long as they're not causing a nuisance—a major nuisance or blocking routes or

anything that they should be given a certain reasonable length of time of maybe a couple of months to be there. And then the children could get into school, get their education and then when they move to another area, if every authority was doing the same thing, every authority was providing some basic facilities, it would save—

BILL O'BRIEN: How many would you expect the local authority to accommodate as temporary?

PAUL WINTER: Well, if every authority was doing it together at once, the travellers would be travelling as they do in a pattern, you could say that you'd have a top limit of 20 trailers. You could decide what the top limit would be. That's a—you know, 20 is a reasonable number.

BILL O'BRIEN: What happens to the people above 20? What do you do with them?

PAUL WINTER: Well, they'd find another patch of land, which is what they do at the moment.

BILL O'BRIEN: Well, who would—who would instruct them to do that? You see, it's easy to say. Nobody instructs them at the moment. Now, to follow your theory and I know there's something in it, if it's 20 trailers. But if you've got 25 trailers, who tells the other five that, "Well, no, you can't stay"? Because that's when the trouble starts.

PAUL WINTER: Right. Well, what you'd have to—at the moment, there is no toleration, is there? People either are ignored or they're moved on.

ANDREW BENNETT: If it was 20 trailers, there'd be little problems in many of our areas. It's when you get the 40 and 45 trailers—that's when the problem starts.

BILL O'BRIEN: And that's where we are at the present time. Now, we're wanting to try and accommodate that kind of thing but it's easy to say, "Well, local authorities should agree to 20 trailers. Above 20 trailers, then the people should acknowledge that they shouldn't be there". Now, how do we do that?

PAUL WINTER: The thing to do is to get in when you've got your 20 trailers or your 10 trailers at the start and get an agreement signed, what they call a facilities agreement signed. And I've had a barrister looking at this and it's quite in order under the existing legislation. And it's a voluntary agreement. It doesn't give them any rights to the land and you say that, on our part, the travellers' part, they would—they would keep the area tidy.

On the council side, they will provide refuse collection and maybe a standpipe and maybe toilets, you know, so basic facilities. And people would sign up to that and if—and that would be the agreement and those families would have the right to it.

And if the—if the site increased and other families joined on, your liaison officer or whoever it is whose job it is to do it, you bailiff or, you know, whoever deals with them, they'd go back and they'd say, "Right, you're still under 20 trailers. Everybody on this site has signed up to this facilities agreement. If you want to stay here, you're going to have to sign up to this as well. Otherwise, you're not going to have a right to stay here for this length of time". Then when it to 20, you say, "The site is full, right. For this period of time, no more will be allowed to stay here". And if anybody else—so, the next time your liaison person goes out and there's a couple more families or one more family, you say, "Right, well, all these families have signed up. We know the names of them. I'm afraid you're going to get evicted".

But you don't evict the whole site. All you do is you evict—you've got your names of the families that have signed up and agreed to it. They stay. You only evict the families that are going over your numbers.

Ever since the 1994 Criminal Justice Act, it's been chaos. It has been 10 years of things going from bad to worse, you know, and it's the last government that brought in the Criminal Justice Act. I'm not blaming this government for doing that but what we do want from this government is something positive that will acknowledge—

ANDREW BENNETT: Well, you think the simple solution would be to let people come up with an agreement between the local authority on a site that they've moved on to with a limited number?

PAUL WINTER: Yes.

ANDREW BENNETT: Now, is 20 reasonable or would it be much better to bring it down to about 10?

PAUL WINTER: You could either say numbers of families but given that one family might have two trailers—you might limited the number of families or you might limit the number of trailers. I suppose it's easier to do it by trailers because you can just count them, can't you? So, you know, if an authority thought that 10 was more reasonable, they'd have to—but to provide places for 20 trailers, you'd then be looking at two pieces of land.

ANDREW BENNETT: Yeah. Now, in order to provide school places—is there a number that you need to make it economic for the local council to put in—

PAUL WINTER: One child. One child of school age makes it economic to provide a school place.

ANDREW BENNETT: Yes, but it's easy enough to provide a place for one child, isn't it? It's when you want to say, well, you want some form of special education for the children because they've either slipped behind or other things like that. So, quite a lot of local authorities have an education officer who is looking specifically at travelling people, don't they?

PAUL WINTER: That's right, but the policy now—is to integrate the children into mainstream schools.

ANDREW BENNETT: Yes.

PAUL WINTER: So, if they're of school age, then the policy will be to have them in to mainstream schools and provide the support in the school to—

ANDREW BENNETT: But if you've got 20 children coming from a particular site suddenly into a school, that puts a strain on a school's resources, doesn't it?

PAUL WINTER: Yeah, I can understand that. Say, a village school. Well, you might then say the policy near the village schools might be for 10 trailers. Now, 10 trailers might only be five families and five families might only have a couple of children of school age each. So, if you're looking at maybe 10 school age children and then you've got the secondary age ones, well, they might be reluctant to go into school.

CLIVE BETTS: How many of them will be going to school for a decent part of the year?

PAUL WINTER: Right, the primary age children and a lot of the pre-school children now, almost 100% are in school, I would say. Secondary age, it's increasing and it used to be estimated one in five as the 1989 HMR report estimated one in five attending secondary school. It's going up a bit, maybe two in five, so—

ANDREW BENNETT: So, actually, traveller education has improved?

PAUL WINTER: It has, it's improved the situation for travellers and coming to events like this, it—where teachers that have organised this and it gives us a more human face. We're not seen as people in authority who are forcing them to do something that's going to deny their way of life. There's a real concern that, as they get into secondary age, the expectation is that they're going to—the lads are going to go and help their dads and earn a living and learn a skill. The girls are going to help their mums and look after children and be homemakers—very traditional roles.

But a lot of parents are realising that times are changing and you can't just hold on to traditional roles without understanding that the modern world requires different skills. So, a lot of the families are wanting to have computer skills now as well as reading and writing. So, they're under—you know, they're starting to realise that education has things to offer.

CLIVE BETTS: So, what about adult education then, for the parents as well. I mean, there's obviously skills for them and probably they missed out?

PAUL WINTER: Yeah, there's a lot of demand. A lot of parents are embarrassed about not being able to read, if they can't read, and the adult education that they would find acceptable would be one-to-one. They'd be—a lot of them would be frightened to go into a class, an adult education class, and—particularly a big college or something and be shown up. You know, that's how they'd see it.

CLIVE BETTS: How can you help them get in touch with access of that sort of thing?

PAUL WINTER: Well, we've got a contact list of traveller education services around the country. We give that out to people and we say, "You're first point of contact is best traveller education", and then they will know adult education contacts locally and, in some areas, the funding is sufficient to provide these tutors.

In other areas, it's more difficult. In some areas, there's drop-in centres so there might be, like, access points. Connections is a good access point at the moment and, in some areas, there are mobiles that—I mean, to come back to the unofficial sites, mobiles could perhaps go and do a little bit of introductory work so that, you know, if they're only there for a short while, they don't just come in and out disrupting the schools.

BILL O'BRIEN: Are there any problems with different groups mixing on the same site?

PAUL WINTER: Maybe on some sites. It varies around the country. I know some sites where you can have Gypsies and Irish travellers living quite happily together on the same site. In other parts of the country, there can be tensions with different groups. You've got to know the local situation and this is where local knowledge is important. I mean, there's got to be a national framework which forces authorities to do something because, at the moment, authorities just move the problem to a neighbouring authority. So, you can't have a piecemeal solution to this—to these difficult problems.

ANDREW BENNETT: Thanks very much.

PAUL WINTER: Thank you very much.

CLIVE BETTS: Nice to see you.

ODPM Committee visit to Appleby Horse Fair, 7 June 2004

INTERVIEW WITH JIMMY COLTMAN

DAVID SMITH: This is Jimmy Coltman, he has a site in Doncaster.

ANDREW BENNETT: So, how big a site is it?

JIMMY COLTMAN: It's only for 12 caravans.

ANDREW BENNETT: And are they—are they all people you know?

JIMMY COLTMAN: Yes, yeah, from around the area, you know, yeah.

ANDREW BENNETT: All right. And was it difficult to get the site?

JIMMY COLTMAN: Yes, very. Very.

ANDREW BENNETT: So, how long did it take?

JIMMY COLTMAN: A long time. Years.

ANDREW BENNETT: Right, so what happened? You moved on to the site and then tried to get permission or you actually—

JIMMY COLTMAN: No, I bought the land off my brother-in-law.

ANDREW BENNETT: Right.

JIMMY COLTMAN: Pulled a caravan on it and the council started from then.

ANDREW BENNETT: All right, so pulled a caravan on, yeah, and they tried to get you moved off the site?

JIMMY COLTMAN: Yeah.

BILL O'BRIEN: Right. So, what procedure did you follow?

JIMMY COLTMAN: No, I went through the council sending letters and trying the best to do as I could.

BILL O'BRIEN: Well, was it raised in council or did anyone defend you?

JIMMY COLTMAN: No, because the—you're putting me in questions I can't really answer here now because, you know, I mean, it was—I had a battle ever since I started.

ANDREW BENNETT: And so what have you got there now? You've got—

JIMMY COLTMAN: Well, I've got a bungalow now on the same site. But to get planning permission for the bungalow took me a battle. Do you understand what I'm saying? What I was battling for other people walked in and got without the battle.

ANDREW BENNETT: Right. Gypsy people?

JIMMY COLTMAN: Yes. Oh, yes. Gypsy people, yeah.

CLIVE BETTS: And you put toilet blocks in and things like that?

JIMMY COLTMAN: One toilet. It's a shared—it's just a shared toilet because we're only on cesspool, you know. It's a toilet block of four. Four toilets and a shower.

ANDREW BENNETT: Now, is that one of the arguments the council used, the lack of services?

JIMMY COLTMAN: No, they just didn't want us. They just didn't want us because the simple reason is this. They gave me—the only excuse they could give was the access wasn't sufficient.

ANDREW BENNETT: And it wasn't greenbelt or anything like that?

JIMMY COLTMAN: I think it was greenbelt but greenbelt they could never do nothing with. Where I built the bungalow on, it was backfill land filled with anything, brick rubble. It wasn't—it wasn't even big enough to keep a good little donkey on it. Do you know what I mean? So, the greenbelt shouldn't have really come into the position what I was on with, you know. But I can get—can I get back to this excuse of the road access? They said the road access wasn't big enough or able enough to carry it. But it was big enough to carry more sites—there's three sites popped up after I was finally granted permission.

ANDREW BENNETT: Now, is there feeling in the community that there are too many with the four sites?

JIMMY COLTMAN: Oh, yeah. Well, the thing is now, they've turned into residential sites.

BILL O'BRIEN: Static caravans?

JIMMY COLTMAN: Yes these static caravans, the sort you get when you go to the seaside. Do you understand my meaning? They put them on the sites. They charge the people X amount of money. My community don't like that, you get all sorts of people, it makes me mad.

ANDREW BENNETT: Thanks very much. Nice to have met you.

ODPM Committee visit to Appleby Horse Fair, 7 June 2004

INTERVIEW WITH BILLY BROUGH

ANDREW BENNETT: So, you organise the site?

BILLY BROUGH: I do. Yeah. Yeah. My father did before me.

ANDREW BENNETT: Right. So, is it your land or is it . . . ?

BILLY BROUGH: No, it's council land.

CLIVE BETTS: It's council land?

BILLY BROUGH: But the gypsy people and travelling people rent it just for one week throughout the year.

ANDREW BENNETT: And you do everything here? You negotiate the rent? You collect the rents and everything else, do you?

BILLY BROUGH: Yes, I collect that. It was just bogland in this centre here, you couldn't put anything in it, it'd sink. You couldn't even tie horses, it would sink, you know what I mean?

And two years ago, we had a couple of good fairs, two or three years, and after we paid the expenses we had some spare money left over and we spent it on land drainage. We had it all land drained, you know what I mean? And we stoned the roads and that. And then I was up here last Saturday and I restoned the road and put speed ramps and things. It's my job to see—look after it, do you know what I mean?

ANDREW BENNETT: And is it reasonably easy to get people to conform or do you have to be fairly forceful?

BILLY BROUGH: No, no, it's reasonably easy because . . . You see, amongst travelling people and gypsy people you have a strong head of a family. And I'm that in our family. And it's easy really. It's not a problem. Everybody mucks in and helps and there's plenty of volunteers, do you know what I mean, if I need to get anything done. And it's pretty easy really.

BILL O'BRIEN: Right. But there's some private bits of land as well.

BILLY BROUGH: Yeah.

BILL O'BRIEN: Now, does that mean that if you don't let someone on here they get on to one of those other sites?

BILLY BROUGH: Well, if there's—if there was anybody a bit undesirable who we didn't want on here, but it's entirely up to the people who own them fields if they let them on or not. Just because I don't want them on doesn't mean they don't want them on, do you know what I mean?

BILL O'BRIEN: It's your decision then?

BILLY BROUGH: Pardon?

BILL O'BRIEN: Your decision who comes on then?

BILLY BROUGH: Yes. My—on here, yeah. On this hill, yeah. Yeah.

ANDREW BENNETT: And don't they come in and stay in family groups when they come?

BILLY BROUGH: Yes. Every one of these people—these all the hill here is all my family. This is all my family right the way down here [indicating]. And these—there's the Lees and the Prices and they come every year and they have done for generations and they all stay in the same places.

BILL O'BRIEN: They negotiate with you, would they?

BILLY BROUGH: No, they just come like me—like me dad did before me and his father before him and they just come and they just say, "Hello Billy. How we doing?" And they all pay £30 a family and they get their selves in the usual spots. And they—and they leave it to me to organise the toilets and the water and the cleaning up of the fair and to—and to do all the little bits of jobs, you know what I mean?

CLIVE BETTS: How do you set the level of rent?

BILLY BROUGH: Just by what the expenses are. I usually just like to get enough in to pay for the running of the fair. If there's a little bit left over, it always comes in handy because we can always find a job for it, do you know what I mean? Repairs and—and land drainage. Improvement things, you know what I mean?

ANDREW BENNETT: Now, what about the horse racing down there? Is that just organised by the people at the time or do you . . . ?

BILLY BROUGH: What happened was, a long time ago—years ago—we used to have speed horses. They'd be going up and down there. They'd be going up and down the road or they'd be going for the town, do you know what I mean? Even before this dual carriageway was here that blocked the road off, they had nowhere to show the speed horses. I mean, if you want to sell a speed horse you've got to show people how fast it can go. You just don't say, "This horse will do so many miles an hour". And they don't just say, "Oh, well that'll do. We'll take it". They want to see it go—not just its speed, how it goes as well to make sure that it's not lame and it's nothing—got no problems with it, do you know what I mean?

So, it was a bit of a problem. So, years ago, me father and one or two of the elders got together with the council and decided to close Long Mountain Road off to take it away from the public so it was safe, do you know I mean? Because speed horses can be quite dangerous. And recently a market has appeared right at

the top of the speed road. And I know all the gypsy people, travelling people want it stopping because it's not actually gypsies and travellers what's going in there. It's just like Blackpool. Pretty tacky, do you know what I mean? It's got nothing at all to do with the horse fair.

But the biggest problem we've got is our speed road now is endangering lives of the people what's filtering through gaps in that market fence onto the sides of the road, anybody's entitled to come up, we've always had tourists and everything—we like to see them because the town relies on them. But they're standing on the side of that road and they don't realise the danger that they're in. Do you know what I mean?

ANDREW BENNETT: That land is his?

BILLY BROUGH: The land belongs to a farmer, who organises the market. That land is his, yeah. But they've tried to stop our speed road because of the danger to the public. Well, the only public what's there is his market and he's got plenty of fields. He's got hundreds of fields. He's got hundreds and hundreds of acres. He could go and put his market in another field away from our speed road, do you know what I mean? Well, I mean, with this—Appleby Fair is the last corner of—how can I say—of our culture what hasn't been affected. This is the last little bit on the planet Earth and we're fighting to keep it going and preserve it. This is our mecca. It is a pilgrimage when we come here, do you know what I mean? And then you get a greedy farmer who's fill it up with hot dog stands and it just looks like Blackpool when you go down there basically. It's very tacky, do you know what I mean? And then you've got all these people floating in off the side—so they turn around and say, "Right, we'll have to stop your speed road because it's a danger to the public". What about this market? This market shouldn't be here. Do you know what I mean? This is our culture. This is how we—we've been doing that for centuries. Why should we stop to make one greedy farmer happy?

CLIVE BETTS: So, the rest of the year do you remain close by or . . . ?

BILLY BROUGH: We—me and me brothers own a caravan site in Darlington but—well, there's only one brother—the youngest one—who stays there and looks after it. I've got one brother in the south of Italy with his caravans at the moment and I've got another brother at Markham.

And after this fair I've got a meeting with the police and the town council next week and I'm going to be away travelling myself for the rest of the year. I'll come back to Darlington at Christmas and I go away again and then I come back out—

CLIVE BETTS: And your family comes back at Christmas, do they?

BILLY BROUGH: We all come back—we all meet back home. We—Darlington's like our home base—it has been for about 150 years. And then I get back up the north here or back where—depending—come back where—sometimes we're in Europe, you know what I mean—for the fair—to organise the fair.

ANDREW BENNETT: Have you got a set plan of travelling around the—

BILLY BROUGH: No.

ANDREW BENNETT: —around Europe? You just—

BILLY BROUGH: We get up one morning, we just fancy—say, "We'll go up to so and so". And we know where there's a camp—a stopping ground—a piece of land or somewhere all over the country. Wherever—whichever direction we decide to go in, we know people who are—

CLIVE BETTS: What, you phone up in advance, say, "Well, have you got a pitch"?

BILLY BROUGH: Yeah, yeah. Farmers, people who have land, people where we've stayed for generations, do you know what I mean? And we ring them up and say, "We're coming. Is it all right?" And they say, "Yeah, well, we're all right" or, "It'll be all right next week. We're busy at the moment. Come next week" or something. We've always got somewhere to stay, do you know what I mean?

ANDREW BENNETT: And have you got traditional jobs you do in different parts of the country?

BILLY BROUGH: Yeah, we've lots of things we do. Tarmacing and house repairs and we sell carpets, rugs. Mainly—my family, traditionally, is Persian carpets and rugs. That's what—that's what we've done. And my grandfather, buried in Darlington cemetery, has a Persian rug carved into his headstone because it's something we've done since we came into this country.

I mean, my particular family, we came into this country in the 15th century, about 1450. We came in from Middle Europe. There's four tribes: there's Sinti, Manouche, Kalderash and Rom. My tribe's Sinti. And we came in—about 1450 when we came here.

ANDREW BENNETT: Have you still got—do you still got any connections back there? Does it . . .

BILLY BROUGH: Oh, yes. I speak fluent German because I spent a lot of time in Germany, do you know what I mean?

Well, in Middle Europe, the dominant tribe is Sinti—my tribe. That's where we came from. That was before, like, Persia and India because we originate from India originally. And—but when you get down into Southern France, the dominant tribe is Roms. In Czechoslovakia and Poland, the dominant tribe is Kalderash and Holland, Belgium, up into Denmark and Norway, the dominant tribe is Manouche, do you know what I mean? But with a little bit of Rom and Sinti in it, do you know what I mean? But for us, in England and Middle Germany and Northern France and that there, the dominant tribe is Sinti.

So, when we go—when we go on to the caravan sites, even if people didn't speak German, like I can't speak French, it wouldn't matter when I'm on a campsite full of French Roms or French Sintis we speak in Romany. And it doesn't matter where you go in the world, Romany is exactly the same. Maybe a little bit of a different dialect but the words are all the same and we communicate that way, do you know what I mean?

BILL O'BRIEN: So, responsibility for law and order and antisocial behaviour is yours?

BILLY BROUGH: In my family it is. Not with the rest of them. Just my immediate family.

CLIVE BETTS: Same with other families?

BILLY BROUGH: Same with all the rest of the families.

ANDREW BENNETT: Over the border in that market, the police are responsible, right?

BILLY BROUGH: I don't know. I can't say about that market because there's some people down there who aren't gypsies or aren't travellers and they just seem to try—they emulate our lifestyle and don't make a very good job of it, if you know what I mean?

MALE SPEAKER: There are some police down there.

BILLY BROUGH: Yeah. Well, the police are just there to keep law and order. I mean—we need the police the same as anybody else does. And it's a very, very big fair this. You're talking between—over the period of time there'd be 30,000–40,000 people coming and going. If the police—if we didn't have the police, well, there'd be complete chaos.

ANDREW BENNETT: But they don't—you don't have to pay for the police?

BILLY BROUGH: No, no, we don't have to pay for the police. No. We didn't ask them—we don't ask them to be here but it's good that they are. And I have—I have to say that the police force and the policing on the fair is absolutely excellent. Very, very professional. Very polite, very tactful but very effective. They know what they're doing, do you know what I mean?

ANDREW BENNETT: Now, moving around the country now travelling, is it getting harder to travel?

BILLY BROUGH: It isn't, no. People—some—the old one's are saying, "Oh, it's not what it used to be. It's not like the good old days" but all old people say that. And me—myself personally, I think things are getting better. There's more camping sites. People are more aware of gypsy people and gypsy people's rights. It's only recently we've been recognised as—as a—as a nation of people. We have our own flag, do you know what I mean?

People will be coming up—through media and television and things like that, people are coming more educated. You see, the problems we've had in the past is people are always frightened of what they don't understand, do you know what I mean? And because of—through better relations, people's understanding a bit better, things are getting better. And I personally think it is anyways. Things are getting better.

BILL O'BRIEN: What—you're saying that when you go around though you know where you're going to go, you've gone there for generations, you phone up in advance, you make arrangements, you know? But we have the problems, as elected representatives, from time to time that, you know, people turn up on unauthorised sites—

BILLY BROUGH: That's right. Yeah. Well, if you can't get in anywhere, you can't just stop in the middle of the road, do you know what I mean? And police sometimes—they're not so bad these days but a few years ago they'd—they'd move you on and move you on and move you on. I mean, we—you can only go so far. Do you know what I mean? And sometimes people do have to pull in just for a while, do you know what I mean? You do get unauthorised camps and we do get problems. But at the end of the day, we're human beings the same as everybody else. And not all people are perfect.

ANDREW BENNETT: Are there problems between Irish travellers and traditional gypsies. Is that an issue?

BILLY BROUGH: It—well, it is—it is a very difficult issue and people tend to—they don't tend to be able to separate us into two different types of people, do you know what I mean? Anybody from the outside looking in, it's very confusing. They think we're all the same but we aren't. We've got different cultures and different ways. They have their ways and their cultures and we have our ways and our cultures, do you know what I mean? They've nothing at all to do with us. I mean, I know a lot of Irishmen. They're very nice people. Very respectable, law-abiding people. I have very good friends of mine. But I also know a lot that aren't. Do you know what I mean?

ANDREW BENNETT: And you'd know who they were?

BILLY BROUGH: I know—I know them all. I know all of them.

ANDREW BENNETT: So would there be some sites that you wouldn't pull on to because of the people on those sites?

BILLY BROUGH: That's right. I mean, there are some Irish people I look for when I'm shifting around and I'll say that so and so's down there. They're very nice people, do you know what I mean? And I'll—if I know where they are somewhere and they're on a campsite, I'll go and pull with them because I know it's

be—going to be a good campsite. They're very clean and respectable people. Very private, quiet people. And you know it's going to be nice if you stop with them, do you know what I mean? But there's also some families I wouldn't go—I wouldn't go within 20 miles of.

ANDREW BENNETT: Well, thank you very much indeed for talking to us. Thanks.

BILLY BROUGH: You're welcome. Thank you very much.

CLIVE BETTS: We're very grateful.

BILL O'BRIEN: Thank you.

BILLY BROUGH: You're welcome.

ANDREW BENNETT: Nice to have met you.

BILLY BROUGH: Nice to meet you as well. Nice to meet you all.

ANDREW BENNETT: Thank you.

BILLY BROUGH: If ever you want me—speak to me or you need me, the police have got my phone number. They can get in touch with me. Not that I've ever done anything wrong!

ANDREW BENNETT: Thanks very much.

ODPM Committee visit to Appleby Horse Fair, 7 June 2004

INTERVIEW WITH GORDON BOSWELL

ANDREW BENNETT: But David [Committee Adviser] seemed to think that you knew a lot more about the private sites.

My impression is that, the legislation that has come through since the 1960s, when local authorities had to provide sites, isn't working. And the question now is what to do about it? Now, one solution would be to force more local authorities to come up with sites. But, as I understand it, one of the more interesting developments is that various people, like yourself, have been looking to provide private sites and that in many ways, private sites fit into the community easier than local authority ones.

GORDON BOSWELL: Yes. My site has planning permission for 20 caravans—20 trailers, as we say—and I'm in a fortunate position by . . . I charge them rent, and they can come and they go. People think travellers have got a problem when on the road, that they have nowhere to stop. The proper travelling people—the proper Gypsy people, the Romany people—that community hasn't got the problem that people think they've got. And the simple reason is I've got a private Gypsy site for my own friends and relations. Before they come to me, they'll ring me up and say, "Have you got room for two or three trailers?" And we'll say, "Yes" or "no". "Well, as soon as someone moves, give me a ring". Now, we've got all these mobile phones about and it's easy to keep in touch. And when we have a space they will come on. And when they leave my place, they won't just pull willy-nilly anywhere, not knowing where they're going to stop; there's another person somewhere, like me, that has got a private site, they will go on to him. These are the people that you never hear of because they go from A to B and they know where they're going. They haven't got a problem.

ANDREW BENNETT: But are there are enough of those sort of sites?

GORDON BOSWELL: There isn't enough of them sites. We've got this big problem that's going on now at Cottenham there. That is, in my opinion, too big. It shouldn't—they shouldn't hear me say it, but they shouldn't be allowed to be as big as that. There is no need for it to be as big as that.

GORDON BOSWELL: Now, we find that three parts of the time there's a little bit against these Romany and Gypsy people that if they buy a piece of land then they want to pull just their own half a dozen trailers on it. They get refused the permission straight away. It's a "no" whether it's in an area that someone could get it passed or not. They seem to be refused straight away.

So, the only way they seem to fight for it is by pulling a few trailers on and hopefully we can get it passed later when the local council know that we're not bad people, we're all right. We can keep it nice and tidy and clean and then put in planning permission and they can see what we're doing. That is how I done mine. I put in plans for mine for a start and they wouldn't give permission—no way, whatsoever. I run a Romany museum in Spalding. I went to my local council to say that I was going to start a museum up and they said before it went to planning, that we wouldn't get planning permission because we'd encourage the wrong type of people to the area. So, they said "no" before it got to planning.

So, I actually done it after about two years thinking about it without permission because that was something in my head telling me. When I opened it and they came down to see it—the local tourist people they said it's a marvellous thing for the area. You know, it will—it will do the area good. It will bring the tourists here; it will help a lot. The tourist man said, "Of course, I suppose you've had a professional set it out?" I said, "The professional—I'm the professional, as I tried to tell you two years ago what I wanted to do". But they thought I was going to make a new age traveller village in the area.

Then it got in the paper, “Romany Man Opens a Romany Museum” and then I got television coverage for it—the two channels—and the next thing, I heard from the council, “You haven’t got planning permission for it”. But the tourist people give me a good write to say what a good thing it would be for the area and at the end of the day they said, “If you put plans in we’ll pass them for you”. So, that’s how I got mine. But, they didn’t even want that.

BILL O’BRIEN: How firm was the planning authority against your illegal site? Did they give you notices?

GORDON BOSWELL: No, they didn’t. They just come down and said that you haven’t got planning. You’ll have to do all this, that and the other. I then got an architect come and draw the plans up, all the sites and where the caravans was going and toilets and things like that. But after two goes at it, I did get it passed. Because I think in that time they realised that I was the right type of people that was on there. And I did everything with toilets and water and things like that and they seemed to be happy with it. But before the council passed it, they would only give me five years’ licence for it. So, even now, it’s only on a five years’ licence because at the end of the day, I think they’ve got something under their belt or under their cap so that they can refuse it if anything goes wrong with us.

But this is what we have to put up with. So, all I’m saying, the people—the Gypsy people that you never hear of, there’s a lot of them about and I honestly believe that if these small sites of up to 10 trailers were given permission on a five years’ licence, well if they don’t do the job properly, well, it can be refused later.

That would help the situation a lot all the way round but you’re still going to have that type of people that is in needs—they need a local council site.

BILL O’BRIEN: Where do you draw the line between need and demand?

GORDON BOSWELL: Well, I think really, there is a need and demand. There is. Because a lot of Gypsy sites are private Gypsy-owned Gypsy sites, but I shouldn’t think there’s one case that’s had a straight through planning permission—put plans in and that’s it. It’s been a fight for these people, like, all the time. And I think that you—I don’t know if you say local government or councils or whatever, has got to look at it in a different light. I’m not saying being taken over by 50 trailers on one site, things like that. I’m not saying that. But look at it in a different light and just give it a try. Let them—you know, you don’t give them their licence until they’ve got these toilets and all things like that.

ANDREW BENNETT: But what’s the economics of it? I mean, is it feasible to make a site for five or for 10 trailers?

GORDON BOSWELL: Well, yes. If you make it a site for five trailers, that would be just a family, with me it would be probably two of my children and myself and my wife and some grandkids. So, you could probably have a small site that they’ve got for five people.

ANDREW BENNETT: And it’s not too expensive to buy the land in some parts of the country and it’s not too expensive to put the facilities in for that sort of size?

GORDON BOSWELL: For that sort of size. But I think between five and up to 15 sort of thing. That’s my own opinion and it’s up to yourselves after that—up to the people after that if they want. But if someone puts a site in and wants to make a 50-trailer site, well that’s more of a big business isn’t it? But still, even a 50-trailer site run by the right people will have no problem because that man will only have the right people on.

I remember in 1968 the Act come out that anyone with no fixed address was classed as a Gypsy. That was in 1968. That put the arm around a lot of people that had nothing at all to do with Gypsy people.

So, then . . .

ANDREW BENNETT: Well, wait a minute. Can you give a definition then of what is a Gypsy person?

GORDON BOSWELL: Well, it’s very, very difficult. I would have thought—there’s only 25% of proper Gypsy people here at Appleby. The others are hangers on, want to bes. And these are the people that are coming on your Gypsy sites of today because everyone was classed as a Gypsy and anyone who had no fixed address was classed as a Gypsy.

So, they had a trailer caravan; they was on the road. The Government then could usher, rush them on or push them on, to a council site. And then you found these council sites hasn’t really doing the job properly, then you find that the proper travelling people, the genuine ones, won’t pull on them sites because of so much rub—people who was there that shouldn’t be there.

CLIVE BETTS: Is that because those people didn’t look after the sites properly or their behaviour wasn’t acceptable?

GORDON BOSWELL: Well, the behaviour, they’re throwing rubbish about and things like—then—look at this site here [at Appleby]. I got this field 18 years ago. I used to come up here with horses and wagons. The lady just bought this field and I asked if I could put three horses in this field and she said, “Yes”. It had nothing to do with Appleby Fair. And then she said, “The next year, if you want, you can bring your caravans in”. So, we come in here. We’ve been here, as a family, ever since.

All these in here [pointing] are my brothers and sisters and nieces and nephews.

CLIVE BETTS: You say who comes in and stays.

GORDON BOSWELL: And I say who comes in because the lady's happy with us to be in here sort of thing.

And this is the type of site that you could get all over quite comfortable. All over, with this amount of trailers on. I think there's 17 on here, you might say, "there's only need for five because that's my immediate family. But make it for 15, because there will be some people, cousins for example, that come on and move about and come and go and things like that". But there's no problem. These people here won't just move from A to B without knowing where they're going. Some people on there will go to any old site—pull out on any side of the road and things like that.

CLIVE BETTS: So, the "true" Gypsy families then, I mean, they will move around these private sites which are owned by friends, family who they know—

GORDON BOSWELL: Exactly.

CLIVE BETTS: —and have got connections with?

GORDON BOSWELL: Exactly.

CLIVE BETTS: And so the people who haven't got those traditional Gypsy connections, I mean, they're the ones who end up on council sites, are they?

GORDON BOSWELL: Exactly.

CLIVE BETTS: Or probably in the middle of nowhere—

GORDON BOSWELL: Yes.

CLIVE BETTS: —camping on some land illegally?

GORDON BOSWELL: And that's where you get problems from. From over the water—I won't say where they come from—from over the water not very far away, you've got a big problem with that type of person at the moment. Very, very big problem in England. And that is what's happened with this Cottenham site. The English Gypsy developed it, started it and got pushed out by these people that's come in and it's taken it—and now they're saying, "Let's have the English Gypsy back here again. They wasn't as bad as what we've got now".

CLIVE BETTS: Is there a friction then?

GORDON BOSWELL: A friction? A very, very big friction. We wouldn't have it anywhere near them or with them so there is a friction, yes. Because the people from over the water, very fightable, very excitable. They'll do anything, they'll . . . Oh, you know, we pay the lady who owns this field some rent. They would come in and push us out and wouldn't pay the lady rent, sort of thing. This is what you've got.

And you'll—you as a Committee, you have got a problem with trailer sites but you've got a bigger problem from these people from over the water that's in England now and still coming.

ANDREW BENNETT: But why are they coming?

GORDON BOSWELL: Because they've been pushed out of their own country for the simple reason for what they're doing in this country.

ANDREW BENNETT: So, are they pushed out because there's no work for them over there or is it they're pushed out because of the lack of sites?

GORDON BOSWELL: It's because of lack of sites and they've heard about England, like the other immigrants who's heard about England. They've heard about England and they're coming over here. It's a freer country than where they've come from and I think it's getting to a stage—in like it was in the foreign countries, it was illegal to travel, as far back as in the 1930s. And they took—the Hungarian Gypsies and people like that, had their wagons and horses taken off them and were put in houses—the foreign Gypsy people. And they said it was illegal to travel.

ANDREW BENNETT: It isn't illegal to travel in Ireland now, is it?

GORDON BOSWELL: It's not illegal to travel but I think David [Committee adviser] knows more about this than I do. I'd like you to explain it while I've said my little bit. It would just carry it through. Just tell them why in a few words.

DAVID SMITH: In Ireland, there's been far more site provision and facility provision of one sort or another including housing. But legislation—as legislation must—is not only an incentive but it's also got to be a disincentive for the thing it's trying to remedy. So, what has happened is that sort of it has been generally agreed that sort of the site provision has run its course in Ireland satisfactorily in terms of numbers of provision. But these groups are now being pressurised.

Now, there is a suggestion in the Irish press that the Criminal Assets Bureau are starting to take a very considerable interest in some Irish Travellers, a couple of families in particular. Those families have networks that go right across Europe, way over into the Czech Republic and that. And their sources of wealth have never been properly investigated and certainly their ability to pay tax has been pretty minimal. Now, the Irish government is looking closely at that and they are removing themselves into England to avoid scrutiny. That is one of the things that's going on at the moment.

CLIVE BETTS: We can follow that up in Dublin obviously.

ANDREW BENNETT: Yes. This is going back—can you tell us a bit about your particular way of life. Do you move around to sites where you know people?

GORDON BOSWELL: I've got a house—I live in a house, right? I live in a house, quite a big house. I've got a museum and I've got a business. I do horse and carriage weddings; I do funerals with horses and things like that. I also have a Gypsy site for my own friends and relations. I've got daughters who've married out and still travel in caravans. They go away, come back and things like that. And I do as well. But these latter years, I've been more settled in travelling. Until this year, I come up every year to Appleby with two horses and that wagon [points at traditional Gypsy caravan] with me and—and my wife. This year I haven't brought the horses for the first time for about 18 years. So, yes, I live two lives. I live your life and I live my own life.

CLIVE BETTS: Is that true for quite a lot of people then?

GORDON BOSWELL: Yes, exactly. There's a lot of true traveller Gypsy or Romany people, if you can put them together, that are out there that you couldn't pick out—you wouldn't know they were travellers. They're in businesses. They've got carpet shops, they've got various other business and things like that that you never hear of. Because it's like the Pakistani people that come into England, you get some—some of them that just want to sponge on the government, you've got others who will go to work and you've got others who'll work 24 hours a day and have a corner shop and make themselves wealthy. So, we've got the same with they Gypsy people. We've got some that will work seven days a week and put all hours in that God send and make themselves comfortable. And some that doesn't want to do that sort of thing, you know?

There are categories in all walks of life. We can't be all put together, which I'm afraid, for years and years since time began, we've all been tarred with the same brush.

For instance, where you live—well, I don't know where you live but if you live in some nice houses and you've got some nice friends and—around you, one of their boys, their sons, burgled or he got caught taking drugs or selling drugs, you would be saying, “Oh, I feel sorry for Mrs so and so. You wouldn't think their son would do that”. That's how you would all feel. And the community wouldn't say that all that area where you all live is all drug dealers. They wouldn't say that. One of ours does something like that and we're all classed exactly the same. And for why it is, I do not know. It's been like it for generations. One does something wrong, “All them Gypsies are all thieves”.

I say to people—and I'm saying to you today, go back home, switch your television on and listen to the news. Read your newspapers and go through it all and according to how the public look at the Gypsy people, all these rapes, murders, stabbings should be all Gypsy people doing it. But who is doing it? They're not Gypsy people. The word Gypsy/Romany comes up very, very little, more often than not, and we're all classed thieves and murderers and vagabonds. It's happening today.

I've been refused—myself and my wife—only the other year, pulled into a pub when we were going home from Appleby and they refused me entry, “We don't have your sort in here”. That is still happening today.

I went to buy a piece of land two years ago. I bought it off someone who was in difficulty with his bank. It was only six acres. I bought it off him, we walked on it on the Saturday evening and I said, “Monday morning, we'll come and sort solicitors out”. He met me at his house at 10.00 am, before I got to the door, he was out at the gate and said, “I can't sell you the house—the land”. I said, “Well, what's gone wrong?” He said, “My wife doesn't want the Gypsies to have it”. This is what I get all the time and why should it be? Because there's a lot of us is like me and like these people here and we're all getting tarred with the same brush. And when people say to you—to me, “What do I think of the new age travellers?” Because again, we're all clumped as new age travellers and Gypsies together. And I say to these people, “I'm pleased you've asked me that question because I'm pleased to say they're more your relations than they are mine because they haven't got that much Gypsy blood in their veins. No way whatsoever”. But we're all classed the same.

CLIVE BETTS: Can you—can you measure Gypsy blood then?

GORDON BOSWELL: Yeah, of course you can. Of course you can measure Gypsy blood. The old Romany people are Romanichals, as it was known years ago, but since we've had these people come over from foreign countries, they've—we—they've brought another word into use, “roamer”. We've never used “roamer” in England until the Gypsy people from abroad came. We're not all roamers together. We're Romanichals or Romany people or Gypsy people. But roamer has come as a new—another new word.

I've got nothing against the people that's coming into England—them type of people—but I just like to keep things on a level, going with the flow sort of thing.

But as to measure blood—as to measure blood, we can measure blood because I can go back to my three times great grandfather, quite comfortable, as old Romanichal people and there—a lot of other people can't. These people, they come to me—they come to—“I'm a—I'm a Romany”. Well, I say, “Who was your father? Who's your grandfather?” They don't even know who their grandfather was so how can you measure blood with them people? Actually, I'm getting on my high horse now but . . .

BILL O'BRIEN: Gordon, what's the purpose of your presence here this—for this fair?

GORDON BOSWELL: I've come here . . . I'm 64, I'll soon be 65, and I've come here—I shouldn't think I've missed five years out of the whole of me life. I've come here when it was on the road. I've come with horses, with me mothers and fathers and we always come here. Nowadays its more like a Sunday market for a week. Years ago, it was Monday, Tuesday and Wednesday. It's like a ghost town today because they've pulled it forward to the weekend. And my father was the instigator of the Appleby Fair being saved. In 1964 before the bypass was put through Appleby, they wanted to stop the fair because it was dangerous on the road that all these lorries was coming up this hill through Appleby—and they bypassed it. They wanted to stop it because it was a danger.

It was a big fair in this—in them days.

But as people were arriving the police were stopping them before they got into Appleby and saying, “The fair is stopped. It is finished”. So, they was all turning away back and they used to go back to Scots Corner to gather on there because they didn't know where else to go. They went back there and then me father came up and they said, “Gordon . . .” his name was Gordon, “It's no use going into Appleby, the fair is cancelled. They're turning everyone away”. And he said then, “They can't cancel Appleby Fair. It's impossible for them to cancel it. It is a chartered fair and they can't stop a chartered fair”. And the reason is, it's like a chartered market in any town with stalls. If no stall turns up on that market day, the council then has got the right to cancel it because the charter has been broken. And that is what the Council and the police here wanted to do, not to have any horses or wagons in the fair and then they'd have the right to cancel it.

My father come up and told them that they couldn't do this and it carried on. They had to take notice because they thought it had got sorted out, but someone there stood up to them.

Then between 1964 and 1965, the two fairs—my father done a lot of toing and froing from—to the council and then they come up with a compromise that the horse fair was done on the road. The horses up and down on the road and the trailers and caravans and horses and wagons were all on the hill over there [indicating]. So, it was changed around. The horses used to be grazing on there and the trailers were all up and down the road and that's it.

So, it was my father in 1964 that saved Appleby Fair. And sometimes, you'll hear the—you'll see the sign Appleby New Fair because it was the New Fair from 1965. Until 1965 there wasn't water in the fair for horses or people and we used to buy water from that little house [indicating]—at the bottom of the hill—it was a little dairy—and I queued up as a child for one of these water cans and paid threepence in old money for a can of water until 1965 when they put water in the fair and water troughs for the horses, sort of thing.

And that is why horses still go down to the river, you see, to wash. They think it's to wash, it is to wash, but originally, there was no water in the fair. You couldn't come up here with buckets of water so they took all the horses down to the river to drink. That's where the tradition come about. But until that time, that was it. So—and now—and it's grown now as big as it is. Where other old horse fairs has died out, Appleby has grown. I'd sooner see it like it is today than dying out completely like a lot of the other old fairs.

ANDREW BENNETT: The horses—are they disappearing slowly?

GORDON BOSWELL: No, they've come back strongly. Strong. The Gypsy horse has always been the black and white horse and that was all the trade there were for black and white horses. But people, they're still keeping tradition on and one way of keeping tradition on is keeping the black and white horse or breeding black and white horses.

CLIVE BETTS: Is there any economic purpose to having the horses or is it?

GORDON BOSWELL: There is now, the black and white Gypsy horse going to America. We have never a breed registered in this country but America has registered the black and white Gypsy horse in America. And there's a lady here today, she's bought about 30 out the fair over the weekend to go back to America because America is intrigued with them. They have not got anything like it, sort of thing.

BILL O'BRIEN: But until that started to happen then it's really just been a tradition you're keeping on? I mean, they don't work anymore or?

GORDON BOSWELL: Yes. It's true that—no, they don't work anymore. They just have them to—as a—as a sport, as a hobby and things . . .

ANDREW BENNETT: There's still a fair number of trotting races, aren't there now?

GORDON BOSWELL: We was all into the heavy black and white horse. Now, the younger generation have got to that stage where they've bred another type of horse we call it a road horse, used for races. Now, you've got the purebred trotting horse—again, probably an American horse or a German horse—that will do 30-odd miles an hour in these Appleby trots here if it's all set up properly, but it's not just for Gypsy people, but for everyone to go and see. Recently people have put that horse to another coloured horse and now they've got a coloured trotter. For these past five years we've seen coloured trotting horses, thoroughbreds.

Up to five years ago no one wanted a black and white horse. No Gypsy person wanted a black and white horse. Didn't want to be associated with Gypsies. But now, for some unknown reason, it is the in thing. And if you look now, in all these fields, all the non Gypsy people have got black and white horses and ride them.

A month ago, in one of the Sunday's paper, the Queen and some of her family were riding black and white horses. Did you see that?

ANDREW BENNETT: What about living in houses, do many?

GORDON BOSWELL: Well, go back 100 years. Some people couldn't handle the way of life or they married out to a non-Gypsy lady or a lady might have married out and they got in houses. So, that part of the Gypsy community, to a certain extent, got lost.

But still now there are people who are renting houses or even buying houses that come out travelling in the summer time in trailers like this and go back in the wintertime. So, there's a lot of them people that you don't know is about because they haven't given you a problem.

But your biggest problem is, at the present time, them people from over the water that's in England. And David has put it in a nutshell, I think, why they're here. And you thought you had a problem with the English Gypsy but nowhere near as what you've got or going to have.

ANDREW BENNETT: Well, in a constituency like mine, people identify Gypsies as Irish tinkers or diddicoy. So, they make—

GORDON BOSWELL: Who taught you the word "diddicoy"? The word "diddicoy"—or here, they call them pikers. And I'll tell you how it came about.

The Gypsies and the Romanys came into England together about 1500. And they didn't even want them in then. But anyhow, they're here. And then, gradually, there was people about the country travelling about and no problem as such. They thought they were a problem but there was no such. People started to marry in to the Gypsy people or gypsy people marry out, and then they come and—and these others come and copied and took the life, then the public—such as yourselves—and other people that were—realised they've got a different type of person about England than we used to and we've got a different—then they—they don't seem to be like the old Romanys and the old Gypsies, they're different. And they realised it was people who was marrying in or joining them and it was the public that give the word "diddicoy", not us. It's nothing to do with us. It's just like, where did the new age traveller come from? The people—the public give them the word "new age traveller". Nothing at all to do with us and this is what happened. I don't—for what—for what good it's done you—done me, I don't know but there it is.

ANDREW BENNETT: Thank you very much indeed.

CLIVE BETTS: Fascinating. Thank you.

BILL O'BRIEN: That's very good of you, Gordon. Thanks.

GORDON BOSWELL: Very nice to see you.

Written evidence

Supplementary memorandum by the Gypsy Council (Romani Kris) (GTS 04(c))

PREFACE

Statement by Hughie Smith, President of the Gypsy Council (Romani Kris), Est 1966, Springs Lane Caravan Park, Bickerton, Nr Wetherby, North Yorkshire LS22 5ND

Prior to submitting this Supplementary Memorandum to Members of the Housing, Planning, Local Government and the Regions Committee of the Office of the Deputy Prime Minister (ODPM), I feel that it is necessary for me to clarify certain issues which—if allowed to remain unchecked—could result in confusion arising, particularly within Local Authority circles.

In the first instance, the Gypsy Council—insofar as it relates to the organisation of which I am President—is purely that, namely a Council which is comprised of Gypsies as defined in legislation. Indeed, the words “Romani Kris” which appear in brackets at the end of our description are in fact the words for “Gypsy Council” in the Romany language.

Additionally, the (all-Gypsy) Gypsy Council is a long-established body which is recognised in Local Government circles as perhaps the most authoritative body of knowledge on all aspects of issues either directly concerning—or at some stage relating to—the Gypsy people in the United Kingdom.

Secondly, it has come to my attention that the claim to the title “Gypsy Council” has been made by or on behalf of various individuals who form part of that group which calls itself the “Traveller Law Reform Coalition”.

It has to be stated here that at *no time whatsoever* did any person either directly involved in or otherwise attached to the “Traveller Law Reform Coalition” consult ourselves—as Gypsies—on either their proposals for or indeed content of their proposed new legislation; it was *only by chance* that we did in fact come to learn of it, when the draft Bill was mentioned in passing by a journalist from a provincial newspaper who telephoned me for my comment on an entirely different matter. As the situation stands, we (as Gypsies) did in fact have to write to the authors of the draft Bill in order to request a copy, which arrived only after some delay, and subsequent correspondence with the authors—in order to establish exactly who *had* been consulted, and on what issues—has met with indeterminate and evasive replies.

Thus it is that the statement has to be made that *the* Gypsy Council—an organisation which was established in 1966, and which has been all-Gypsy in membership since 1973—totally disassociates itself from those members of the “Traveller Law Reform Coalition” who are seeking the introduction of the proposed legislation, and the stated aims of that group.

In the meantime, Members of the ODPM Committee are respectfully requested to note that we are in the process of preparing a response to various pieces of written evidence which have been submitted as part of the consultative process, and that this response will be submitted in due course.

Hughie Smith
President
The Gypsy Council
(Romani Kris)

June 2004

Supplementary memorandum by Hughie Smith, President of the Gypsy Council (Romani Kris), Est 1966, Springs Lane Caravan Park, Bickerton, Nr Wetherby, North Yorkshire LS22 5ND

1. This Memorandum is intended to be supplemental to the verbal evidence given at the Committee Hearing which took place on the morning of 22 June 2004. It is also intended to clarify within this Memorandum any issues arising from our mishearing of questions due to the poor acoustical properties of the Committee Room (Room 8).

2. Additionally, and whilst appreciating the time constraints imposed upon Members serving on Committee and conducting hearings whilst Parliament is sitting, it has to be stated that there are no “cut and dried” issues when it comes to considering anything concerning or affecting Gypsies; rather, there are a great many “grey areas” involved, all of which need explaining in their appropriate context. In responding to questions put towards me by both the Chairman (Andrew F Bennett, MP) and individual Committee Members, I did attempt to at best answer within context, but unfortunately time constraints prevented me from fully responding to each question—in fact, the amount of time allotted was, at least in my view, barely enough to do other than “scratch the surface” in terms of both the overall subject matter—ie, Gypsies and their site accommodation needs and requirements. It is, therefore, hoped that Members of the Committee

will take the time to study this Memorandum, which will I hope answer in detail both the questions which were put to me at the Hearing on 22 June and also give them some degree of insight into other issues which I would respectfully suggest are connected to this matter.

3. Upon reviewing the notes taken at the Hearing by Tom Lingard, Assistant Secretary to the Gypsy Council (who himself experienced difficulty in hearing some of the questions which were put to me at the time), it becomes clear that the general topics in which the Committee are interested are as follows:

- Too few sites for too many Gypsies (point raised by Chris Mole, MP); how many sites need to be provided.
- Types of facilities which should be provided on sites (Clive Betts; Paul Beresford; David Clelland).
- The need for sites, and whether there should be a statutory responsibility for provision (David Clelland; Andrew F Bennett).
- Site Management—what happens when people break licensing agreements (Andrew F Bennett); the question of tenant liaison/participation in management (John Cummings); costs involved in running sites.
- How best can “incursion groups” be managed (David Clelland).
- What is a reasonable rent charged on Gypsy sites (Andrew F Bennett).
- Definition (“nomadic habit of life”)—how many Gypsies are still nomadic today (John Clelland); is it reasonable to expect Gypsies/Travellers who live on sites but do not follow a “nomadic habit” to move into permanent housing; do we think that “Group Housing” (as pioneered in Ireland) should be trialled in England?
- Is it ever reasonable to evict Gypsies camping illegally (Clive Betts).
- In saying that Local Authorities should not “pick and choose” residents, do we “pick and choose” who goes on to sites which we manage? (Andrew F Bennett).
- Is anti-social behaviour a big issue? (Clive Betts).

If, in reproducing the above list we have omitted any questions, or misattributed questions raised by any Member, please accept our sincere apologies and—in the case of omitted questions, if this Supplementary Memorandum does not directly answer questions raised at the Hearing—or raises additional questions which Members may wish to ask—please feel free to contact us direct, by telephone or post.

4. Turning to the individual questions raised at the Hearing, it is proposed to address these below, and also to set our answers into context. Given my previous comment about “grey areas”, it is hoped that Committee Members will appreciate the necessity to include information and comment which is not strictly relevant to the particular question which is being addressed in the following paragraphs, but which I would respectfully suggest is necessary to include in this document in order that Members will hopefully gain a better understanding of the subject matter.

5. *Too few sites for too many Gypsies—the Gypsy Council’s assessment of the need for remaining provision.*

As I stated at the Hearing on 22 June, there are at present approximately 320 official Local Authority-provided Gypsy sites in England, but to meet the actual need (as estimated by this organisation) it would take a further 300 or so sites to be provided, just to accommodate all Gypsies on Local Authority sites. However, there is an underlying tradition amongst Gypsies in this country of self-help, and as I also put to the Hearing not all Gypsies actually *want* to live on Council-provided sites; many families would quite literally “jump at the chance” to provide for themselves, if given the opportunity to do so.

As an organisation which has been all-Gypsy in membership since 1973, we on the Gypsy Council have for the past 31 years been active in promoting the concept and benefits of private site initiatives by Gypsies, and indeed our views on (and support for) private Gypsy sites have been quoted in previous Parliamentary debates, including a debate some years ago on the Caravan Sites (Amendments) Bill.

It would—as I also commented at the 22 June Hearing—be of great benefit not only to Gypsies but to the settled population throughout this country if more encouragement and assistance could be shown to Gypsies wishing to provide for themselves; not only would this help to legalise the situation of many Gypsy families whose planning applications and/or Appeals are currently extant, but it would also help to make available pitches on existing Local Authority sites which are currently being occupied by families who would much rather be living on their own premises.

With respect to some of the Members who raised questions regarding this particular issue, 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 to point the finger of accusation at the majority of Local Authorities in terms of their exhibition of what we can only term “political cowardice” in refusing such planning applications; and whilst it is true that Gypsies have not at any time been “flavour of the month” insofar as politics are concerned—as I said at the Hearing on 22 June, we have over the years encountered individuals of all political persuasions who I can only describe as “crude, vote-catching”

Councillors whose attitude towards Gypsies has been that sites will only be provided “over their dead bodies”—it is *equally* true that, had both Central and Local Government taken on board the content of a Discussion Document which we as an organisation published as long ago as in 1979 and worked towards assisting Gypsy families to provide their own sites, then we would not be here some 34 years later *still* discussing the Gypsy accommodation issue.

Part of the reason for what has over the years become known as the “Gypsy problem” in this country has been the widespread reluctance of Local Authorities to accept—during the tenure of the Caravan Sites Act 1968—that they had a responsibility *in law* to provide official caravan sites for Gypsies; again, as I also said at the Hearing on 22 June, the failure of the 1968 Act has greatly prejudiced our opinion—as an all-Gypsy organisation—against any attempts to introduce legislation which attempts to replicate that of 1968.

Another failing of the 1968 Act—as I also stated at the 22 June Hearing—was the fact that successive Secretaries of State themselves failed in their own statutory duties under Section 9 of the Act to make Direction 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. It is now generally accepted amongst those “in the know” that the situation was not helped when, in 1974, Local Government in England and Wales was reorganised, a situation which led to many former Authorities (especially in the newly-created Metropolitan County areas) abandoning their original plans—into which a great deal of time, effort and expense had been poured—to provide sites and waiting for the Authority upon which responsibility for site provision had been conferred to “do the necessary” and come up with a site. In a great many areas so affected, this did not happen, and because of subsequent experiences caused mainly through the Authorities concerned accepting poor advice from Central Government (*vis-à-vis* accepting the establishment of “tolerated” sites in their area), attitudes were coloured against the acceptance of *any* form of permanent provision within individual Districts. Take, for instance, the situation in Derby, where the City Council there opened a total of three such “tolerated” sites, all of which failed. Since that time, the City Council as a body has refused point-blank to accept any form of official site provision for Gypsies within the City of Derby, even though we have pointed out on countless occasions that for them to do so would lead to a massive reduction in the problems which have been caused through the presence of unauthorised encampments within the area.

It may, of course, be of benefit to Members of the Committee to learn that the advice on “toleration” of sites came from the then Department of the Environment’s Advisory Officer on Gypsy Encampments, the late Mr Don Byrne, who in fact I had personally recommended to the post; having established a good working relationship and friendship with Mr Byrne during his time with the Social Services Department of Hertfordshire County Council, during which he expressed an interest in the DoE post, I did in fact suggest to him that the Gypsy Council would support his recommendation on the grounds that he pressed for the provision of good-facility sites, which he readily agreed to do. However, within an extremely short time of his appointment he complained to me that he was quite literally being “beseiged” by all manner of people—who we have since come to term the “armchair theorists” (including individuals who were at the time officers of Save the Children Fund)—putting forward their views on what was best for Gypsies that he was being hard-pressed to come up with a “quick” solution, hence his advice on “tolerated” sites. It gives me no satisfaction whatsoever to reiterate my opinion—as voiced to Mr Byrne at the time—that what he was doing was wrong, and would in fact set back the cause of Gypsy site provision by a significant number of years, nor does it give me any satisfaction to report to the Committee that, in hindsight, my prediction subsequently was proven correct.

The difficulty which arose during the late Mr Byrne’s tenure of office was that various individuals—amongst whom I number certain people who we as an organisation have since come to term the “pretend Gypsies”, supported by certain academics who were at the time active within the London area—suggested that all that was needed in order to provide a Gypsy site was a water supply point (ie a standpipe), a disposal point for chemical toilets and a piece of land on which these could be located. Such a suggestion was—and remains—ridiculous. Even though Gypsies as a community lead different lifestyles to that of “conventional” (ie settled) society, we are no less human beings for it, which is why—during the lifetime of the Caravan Sites Act 1968—we on the Gypsy Council were instrumental in campaigning for the provision of good facility, well-located and above all effectively-managed caravan sites for our community. Unlike those who have never lived our lifestyle, or for that matter have never had to deal with the day-to-day management of sites (as we have), we are above all *Gypsies* with a firm and sure knowledge not only of our community but of our needs and requirements as people, and also of the types of facilities required to serve those needs and requirements.

This is why we have long said that, even on the most “basic” form of site, there should be no reason in this day and age why individual facilities—in the form of an individual toilet unit, with a self-circulating water tank—should not be provided. Individual facilities should, in my own considered opinion, be the watchword. Photographic evidence has already been supplied to the Committee (as contained in my response to the Pat Niner report on the provision and condition of Local Authority Gypsy/Traveller sites in England, published in 2003, and also in previous Gypsy Council reports) of the types of individual toilet block—consisting of a wc, a handbasin, and an externally-mounted drinking water supply (ie mains water

pipe and tap) which I firmly believe should be regarded as the model for provision on all “transit” sites as specified in recent Government advice; such units can be readily disconnected and removed for storage in Council yards until needed again, which obviates the risk of vandalism when they are not in use.

As the situation stands, some Authorities have in the past attempted to serve sites with a towed “bowser” type of water tanker, and with disposal points for Elsan (or similar chemical) toilets. The difficulties inherent in this type of provision are (a) that water tankers are—as experience in different parts of this country has shown—open to contamination, particularly from members of the unruly element amongst Gypsies as defined urinating into them; and (b) where Elsan toilet emptying points are provided on sites which are used by families with large numbers of children, they can—and do—rapidly become filled to overflowing (as I commented during the Hearing, one Irish Traveller with a large family did say to me some years ago that his family alone could easily fill the disposal point in a day), and unless Local Authorities are willing—and able—to meet the costs of emptying such disposal points on an almost continuous basis, the overspill from them could very quickly cause health risks. In any case, there is no reason in this day and age (as I also mentioned at the Hearing) why proper sanitary arrangements cannot be put into place, even on short-stay sites.

I feel that I must correct a misconception which—with respect to the Member of the Committee who asked me the particular question—arose during my comments at the Hearing about the types of facilities to be provided on Gypsy sites. The Member in question (who I believe was David Clelland) appears to have confused the types of facilities which are provided as standard fittings in mobile homes (ie toilets, hand basins, baths/showers) with Gypsy caravans, where such facilities are lacking. As I stated at the time, Mobile Homes Parks are a far different proposition to Gypsy sites, and in fact no Gypsy family has to my knowledge ever been allowed onto a “conventional” residential Mobile Homes Park.

6. *The need for sites—should there be a statutory responsibility for provision?*

From the phrasing of this particular question, it became clear that what Members of the Committee were referring to was the proposed “new” legislation (in the shape of the Traveller Law Reform Bill) which certain individuals and groups purporting to represent Gypsies in this country have—without consulting those whose future will be most affected by any such legislation (ie ourselves, the Gypsies)—managed to have put before Parliament. Again, in order to clarify my own comments to the Hearing, and with regard to my preliminary statement (expanded in more detail in the introduction to this Memorandum), in stating that we on the Gypsy Council are opposed to any such new legislation I would seek to make clear the fact that I was specifically referring to the Traveller Law Reform Bill. In my own opinion—and those of my colleagues on the Gypsy Council’s Executive Committee—the Bill is an abject waste of time, effort, and Public money. Again, constraints on time unfortunately prevented me from explaining what I mean by this in context, but as I did state at the Hearing we have already gone through a period of 24 years during which legislation (ie the Caravan Sites Act 1968, Part II of which came into force on 1 April 1970) was in force which was designed to solve the so-called “Gypsy problem”, but due to a variety of contributory factors that legislation failed—given that, from my own reading of the Traveller Law Reform Bill; the proposed new legislation seeks to emulate the 1968 Act, what chance of its success?

Part of the failing of the 1968 Act lay in the fact that no time limit was ever imposed on Local Authorities to provide sites for Gypsies; also, whereas County Councils were given an open-ended commitment to site provision, Inner London Boroughs and Metropolitan Authorities (following Local Government reorganisation in 1974) were allowed to provide only 15 pitches in their area; the fact that some Authorities (such as Leeds and Bradford in West Yorkshire, and Salford in Greater Manchester) went on to provide more pitches than the 15 allowed for in the Act is to their credit, but it has to be commented that the Salford site was only provided as a “last resort” following the outcome of the *West Glamorgan* case—hitherto, Salford had become notorious amongst Gypsies as an extremely hostile Authority, even to the extent of serving an eviction notice on a five-year-old spastic girl who used a caravan which had been converted by her father into a playroom.

Another failing—and perhaps the principle one—of the 1968 Act was that although successive Secretaries of State were empowered under Section 9 of the Act to issue Direction Orders (enforceable by *Mandamus*) against Local Authorities where site provision was insufficient or non-existent which compelled the Authorities concerned to provide sites, only a handful of such Orders were ever issued; in fact, the very first Order to be issued was against West Glamorgan County Council, and even then it took Court proceedings by ourselves to compel the Secretary of State to issue that Order—it was, in fact, only issued on the morning of the day on which the case against the Welsh Secretary was to be heard. And whilst the West Glamorgan Direction set a precedent, again the Secretary of State did not impose a time limit upon the County Council for compliance.

In England, our success in obtaining the West Glamorgan Direction served as a spur for bringing other cases, such as the one against Surrey County Council—I should, however, comment that we were not responsible for bringing that case, and given the fact that Surrey County Council had at least attempted to meet its statutory responsibilities under the 1968 Act, as we said at the time we were somewhat at a loss to understand the logic behind the making of the Order, especially when there were other Authorities whose official site provision was woefully lacking.

If there is to be any form of new legislation introduced, then I firmly believe that it should be within the context of the existing legislative framework, and should in fact be restricted to an amendment to Housing Law in order to allow caravan site accommodation to be classed as the equivalent of conventional housing stock, so that bodies such as the Gypsy Council's own Caravan Sites Co-operative (a body registered by law in 1988 with the aims of assisting Gypsies to provide their own sites, through the arrangement of mortgages and loans for development) could then qualify for funding from bodies such as the Housing Corporation. As the situation stands, the Co-operative has been inactive ever since its formation, principally because existing legislation renders it ineligible to apply for the necessary start-up funding.

One proposal which I did put to the Committee at the Hearing on 22 June was that Local Authorities should be responsible for Gypsy caravan site provision, much in the same way that they are responsible for the provision of Council houses.

I am not a legislator, nor a qualified solicitor, and so am not sure whether or not this would require legislation, although perhaps the Committee may share my opinion that the best way to address this issue—at least at the present stage—would be through discussion; alternatively, perhaps the Government could make clear its expectation that Local Authorities should embrace Gypsy site provision through the publication of a Circular—I am aware that the ODPM is in the process of revising Circular 1/94 on Gypsy Sites and Planning, and have (on behalf of the Gypsy Council) recently submitted our response to the ODPM's consultation.

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 this "softer" option—presumably to avoid any political "backlash" on the part of their electorate were they to be seen to be "grasping the nettle" and actually identifying sites—but in doing so have compiled 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.

Perhaps the one other area in which new legislation—or a change in existing legislation—might be needed would be if the ODPM were to adopt our suggestion (one which we have made repeatedly over the past 28 years, and which was echoed by Sir John Cripps in his report "*Accommodation for Gypsies*", HMSO, 1977) that a Gypsy Sites Commission be established, with powers to identify and if necessary acquire land for the development of Gypsy sites. A more detailed description of such a Commission is appended to this Memorandum, but in summary we envisage that it would consist of representatives from ODPM (providing for much-needed Ministerial input), the Local Authorities (through their respective Associations) and ourselves, the Gypsies (as "consumers"), and given the fact that there is still in Government ownership sufficient land upon which to provide the number of sites which we consider to be necessary we firmly believe that such a Commission—whose operation would in fact remove a great deal of political "heat" from individual ward Councillors, who on occasion we have come to accuse of showing political cowardice, or using cheap, underhand (and above all "vote-catching") tactics to oppose Gypsy sites—could make significant inroads into solving our community's accommodation problems within a very short period of its establishment.

7. Gypsy Site Management

I would like to thank the Members of the Committee for showing a great deal of interest in this issue, and particularly in showing such interest in the Gypsy Council's own management of sites. As I explained at the Hearing, we presently manage some 21 sites on behalf of Local Authorities in different parts of England and Wales, all of which are operating successfully and at no cost to the Public purse. This compares more than favourably with sites operated by Local Authorities alone, which are heavily subsidised. According to an estimate made quite some years ago, the average level of operating subsidy on Local Authority sites was in the region of £30,000 per annum, although at that time there were quite noticeable exceptions—the two sites in Cardiff (Rover Way and Shirenewton, both of which were provided against the advice of the Gypsy Council) were operating with a £330,000 deficit, which has since reduced to £225,000. One of the possible reasons for the reduction in deficit has been a corresponding reduction in the numbers of people employed to manage the site, which has gone down from 11 to six, working on a shift system.

What I find hard to grasp is the fact that Gypsy sites owned and operated by Local Authorities are allowed—under Housing Benefit regulations—to charge what rent the like, yet *still* run at a loss. Of course, part of the reason for this could be that there is a procedural chain to be followed in connection with repairs/replacements to facilities, which starts with the Site Warden (or Managing Officer in the case of non-residential management) and culminates in the workman from whichever Department is assigned to undertake the work. Each link in the chain charges for the work it undertakes (such as inspection, estimation, actual work and final inspection), and these charges accrue to a significant total. On sites managed by the Gypsy Council, however, the individual Site Managers are charged with the responsibility for operating their own budgets, collecting and retaining all incomings from the sites and paying all outgoings, including the costs of site maintenance and facility replacement. By "cutting out the middle

men”—and in many cases by the use of direct labour provided by members of the Manager’s own family, or individuals from the site—significant savings can be made, whilst at the same time undertaking repairs to both the Manager’s and the Council’s satisfaction. I did mention at the Hearing the situation regarding the Hapsford site in Cheshire, which we actually purchased from the County Council after it had been twice broken up and forced to close, then rebuilt using private finance and labour at a cost of approximately two-thirds less than the Council had estimated they would have had to spend to rebuild the site.

On management procedure, as I also explained at the Hearing 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. The model site licence which we published in our response to the Pat Niner report contains a synthesis of the rules and conditions of occupancy which we operate on the sites which we manage, and whilst those rules have in the past been described by certain uninformed individuals as “harsh and oppressive”, the majority of residents are happy to live by them—they recognise that the rules are in place for their own—and everyone else’s—benefit, and that powers exist to deal with persistent offenders who would otherwise cause the law-abiding residents serious problems.

Without wishing to appear vain, I stand by my comment at the Hearing that ours is the best approach to Local Authority site management—it is a tried and tested approach, which is in operation on the 21 sites which we manage on behalf of Local Authorities in different parts of England and Wales. Not only do we provide for client participation, through listening to residents’ suggestions about possible improvements to sites, we also endeavour to keep abreast of all maintenance issues, in order to prevent large-scale problems arising later, and additionally channel funding where possible into improvements to the sites which we manage in order to improve the quality of life of residents there.

On all the sites which we operate on behalf of Local Authorities, no form of “selection policy” is in force in respect of residents—the only criteria which we operate relates to need, whether this is for a stable base in order that children can attend school or on grounds of illness or infirmity. All ploholders either read or have read out to them the site rules and conditions of occupancy, and sign (or make their mark) as agreeing to abide by the rules and conditions. Thus all residents are given the chance to prove themselves good residents, irrespective of past history or knowledge of their background, and whilst the odd occasion has arisen over the years where individual residents have made it clear that they have no intention of being bound by any form of rules or conditions the vast majority of residents of the sites we operate have in fact been extremely appreciative of the way in which we manage sites.

As I have said on many occasions to both Central and Local Government, Gypsy site management is not—and never has been—an easy task. Complications can (and do) arise from such issues as incompatibility, irresponsible and unruly behaviour on the part of individual residents and/or members of their family, and even at times from Local Authorities not giving support to (or still worse, countermanning the decisions of) their respective site managers or wardens, particularly where such managers and/or wardens have approached their duties fairly and responsibly.

In my previous evidence to the Committee, I mentioned the incompatibility problem amongst Gypsies in broad terms. This is a national problem, caused not only by the broad interpretation which has been given to the legal definition as originally laid down in Section 16 of the Caravan Sites Act 1968 by Local Authorities, but by the fact also that amongst certain Gypsy families in this country there are long-standing “feuds” or disagreements, the causes for which may have been long forgotten. In Gloucestershire, for example, there are presently three family units from the same extended family group amongst whom enmity exists, to the extent that there have on occasion been incidents of serious assault and worse, and Committee Members may also be interested in seeing the appended copy Press cutting from the “Sligo Champion” newspaper which illustrates the kinds of weaponry which can be called into play when such feuds escalate beyond the realms of fisticuffs—in fact, the incident referred to in the cutting led to two men from the official site in Hemel Hempstead appearing in court on a murder charge.

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. Quite some years ago, in the Borough of Milton Keynes, a site warden was shot in the back by one individual from an unruly family simply because he—the warden concerned—was trying to do his job properly and run the site to the benefit of all the families there. More recently, in fact only this year, we were approached for assistance by one Local Authority officer who is now faced with suing his employers for constructive dismissal following the actions of his Line Manager in overturning that officer’s decision not to allow a known unruly family onto one of the Council’s sites, in spite of the fact that the head of that family already had a criminal conviction for assaulting the officer concerned.

Even on sites where good management is the watchword, complications can arise when uninformed individuals and “support groups”—who may have never been active in an area before, or know anything about the situation there—try to interfere in site management issues. Members of the Committee may be interested to see the appended copy correspondence between ourselves and “Friends, Families and Travellers”, a group which claims to represent Gypsies but who by their own admission know little about the community they claim to represent and who originally wrote to Neath Port Talbot County Borough

Council to offer their services the reply which they received from the County Borough Council is self-explanatory. In spite of repeated offers on our part for one of their officers to reside for a three-month period on one of the Neath Port Talbot sites and to gain experience as an assistant manager, we have still to receive their reply. I understand also that this group are to give evidence before Committee and would respectfully request that Members bear the above in mind when considering what they have to say.

Again, complications can arise through the involvement of what have become known amongst Gypsies as “Legal Aid solicitors” in seeking to prolong the eviction process; one such firm is the Community Law Partnership, from Birmingham, who I also understand are due to give evidence before the Committee. Such firms tend to accept instructions over the telephone without first ascertaining the bona-fides of their clients, and I am personally aware of one situation where the Community Law Partnership accepted telephone instructions from a 14-year-old teenage girl who rang them posing as a married woman with three children.

The Community Law Partnership have in fact been involved in a number of evictions of families from the sites which we manage in the Neath Port Talbot County Borough (as I said at the Hearing, this is the only area where we have had to bring eviction proceedings), only for their clients to subsequently vacate the sites prior to the cases coming to court for Hearing. This, in my opinion, proves that the Community Law Partnership have—at seemingly great Public expense—been involving themselves in lost causes without any thought for the consequences to others of their actions. Through our own solicitors, we are at present contemplating lodging a complaint with the Legal Services Commission about the actions of this firm in respect of evictions from the Neath Port Talbot sites.

With regard to the question of what is a reasonable rent for occupation of a pitch on an official Gypsy site, from our own experience we can operate sites both efficiently and effectively on an income of £45.00 per pitch per week, plus a contribution of £5.00 per week from ploholders towards water charges and the income from sales to residents of pre-payment cards for the electricity meters which are installed in the amenity blocks. £45.00 is a reasonable sum to expect anyone whose circumstances are such that they would not qualify for Housing Benefit to pay for a pitch on a site—which, given the level of facilities provided within the amenity block (ie wc, handbasin, sink, drainer, cupboards, worktops and bath/shower), places pitches in a comparable position with Council housing.

Additionally, in comparison with rents charged by certain Local Authorities for pitches on their sites (such as Leeds, who charge £105 for a double pitch, and Hull, who charge £74), the £45 which we charge on the majority of our sites is in our opinion a perfectly fair rent—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 least 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 individual families—who may not be judged by respective Local Authorities to qualify for Discretionary Housing Payments, which the families are quite entitled to apply for but which, as their name suggests, are awarded on a discretionary basis—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 the more needy members of our community the opportunity of securing decent and above all legal accommodation.

Whilst accepting the fact that, within the Gypsy community as defined, there are many families who are in genuine need of State assistance—in the form of Housing and other such Benefits—the difficulty arises when one considers that there are also amongst this same community those individuals who are both willing and prepared to “work the system”, through obtaining State Benefit whilst at the same time working. As I commented in my previous Evidence to the Committee, the Government itself appears to be to blame for funding—through State Benefit—the activities of that unruly element who deliberately go out of their way to disrupt the management of official sites, and who would if given the opportunity to do so totally destroy sites, which is why I remain firmly convinced that an in-depth Commission of Inquiry (at which the Gypsy Council is fully prepared to give detailed evidence) should be held into the whole system as it relates to the awarding of Housing and other such State Benefit to Gypsies/Travellers.

Traditionally, Gypsies have been a community with a firm belief in the principles of self-help, and have been “adaptable” in terms of occupations—for example, during the period in which we were engaged in research for the West Midlands report the bottom had “dropped out” of the scrap metal market, but individual families living in that region had adapted their way of life by turning their hands to other trades and occupations, such as uPVC cladding and window-fitting.

8. *How best can “incursion groups” be managed?*

From the thrust of the question put to me at the Hearing on 22 June, I took it that Members of the Committee were interested in the recent events which have taken place near the village of Cottenham, in Cambridgeshire. However, this is not the first incident where large groups of Gypsies (as defined) have gathered together in order to seek planning permission to provide for themselves a base for their operations—I did in fact cite the planning applications and Appeals on land at Wolvey Road, Bulkington, and Ryton on Dunsmoor, in Warwickshire, as cases in point, and also commented on the case of Billericay, in Essex. On all these occasions, members of the Long Distance (Irish) Travellers have been involved.

Having a great many years' knowledge of the make-up, needs and requirements of this group—stemming from not only the fact that I am (on my mother's side) related to a number of families within the various groups but also the fact that the Gypsy Council has had a special relationship with these groups ever since they first started coming into this country in the early 1960s, to the extent that they are in fact represented on our Executive Committee, I should perhaps comment that it was this organisation—the Gypsy Council—who did in fact persuade them quite some years ago to “splinter off” into smaller factions, in an effort to minimise the impact upon the local settled community of influxes of the different groups into any one particular area. Given the fact that the actual impact of large influxes of Long Distance Travellers into any one town or district is roughly the equivalent of the population of a small village moving into the area it is little wonder that the housedwelling population does express its concern, particularly in cases where—as has happened in the past, and as unfortunately continues to happen—members of the irresponsible element become attached to such groups. Committee Members will note that no charges have to date been brought in respect of the Cottenham incident which appears to have “sparked off” the debate, simply because I am informed that those responsible for the incident—who were not themselves interested in settling in the area—fled soon after.

However, the Long Distance Travellers are not the only group to consider here; there are, in addition, groups of families who we have come to term “Regional” Travellers, who during the course of a year travel from town to town or district to district within a particular region, but who may either be based in one particular Local Authority's area or who may be wishing to set up a permanent base there. The needs for such groups would, in my opinion, be best met by a network of transit sites, capable of absorbing the impact of influxes yet of a size which could be adequately managed.

9. *Definition—is it reasonable to expect Gypsies who are “settled” on sites to move into permanent housing, such as the “Group Housing” pioneered in Ireland?*

By legislation, Gypsies are defined as persons “*of nomadic habit of life, whatever their race or origin*”, but excluding organised groups of Travelling Showmen or Circus people, “*travelling together as such*”. And whilst previous studies (including one by the former Department of the Environment) have considered the question of how to improve the definition, this remains the one which is in force and, accordingly, the one which we as an organisation work to.

As for “Group Housing”, of the type attempted in Ireland, this is a hypothesis which has not to date been trialled in this country, and so it is impossible to state that it would—or would not—work. All I can do when considering this issue is to point out to Committee Members the fact that there has previously been—in the New Forest—a policy of “enforced assimilation” of Gypsies into conventional housing, which did not work, and with reference to the Irish model which it is proposed be tried in this country point to the original New Line site at Clondalkin, which was an estate for Travelling People costing some £2,000,000 but was far too ambitious. In providing the Clondalkin estate, the Dublin Corporation (who would be the first to admit its failure) had hoped that it would be tenanted by Irish Travellers from all income brackets, but instead it was solely tenanted by people from the lowest bracket, who in effect turned it into a “ghetto”. During its first few weeks of existence, the eight site managers (employed on a shift basis) turned their (Portakabin) offices into virtual fortresses, surrounded by barbed wire, because they had lost control of the site.

Additionally, experiments have been trialled in Europe where permanent housing has been provided for Gypsies; in Spain, for instance, yet another “Gypsy ghetto” has been created where families keep goats, chickens, horses, etc, in their houses, or in areas not designed for the keeping of such animals.

In this country, there have been numerous instances in many different areas where Gypsies have moved into houses, only to encounter problems with enmity from their neighbours (for example, in the Rochdale area of Greater Manchester), or because they found it impossible to settle—on one occasion some years ago in Oldham (again in Greater Manchester), the Local Authority itself funded the purchase of a caravan for one Travelling family who had found it impossible to settle into conventional Council housing, and who wished to return to a travelling way of life. In yet another case, which again occurred some years ago in the New Forest, a group of 11 Travelling families moved into conventional housing as part of the “enforced assimilation” process, when they left the houses two years later they were in fact joined “on the road” by another eight housedwelling families who they had, apparently, “converted” to the Travelling lifestyle!

Additionally, many Gypsies are registered as being housed throughout the London Boroughs, and other large industrial conurbations; in the London Borough of Camden, for instance, groups of Gypsies are congregating in housing around the Kings Cross area, and although the converse would be expected such moves have done nothing to reduce the numbers of caravans which are still on the road.

Should the Committee wish to see one example of what might at best be described as “Group Housing” in England, I would respectfully suggest that Members take a look at the Lower Hill estate in Wolverhampton, where all manner of problems have arisen (see appended copy Press cuttings for details). Local Authority officers from Wolverhampton Council will confirm that the houses concerned are occupied by one named person (who is usually female, unemployed, and registered with them for Housing Benefit) whilst the rest of the family are travelling.

What is not, however, widely known in cases like this is that whilst other family members may be away travelling, the house is in fact being used by them as an accommodation address for all manner of reasons, including—in some circumstances—claims for State Benefit.

Thus, from this type of evidence, the inference could be drawn that “Group Housing” is unlikely to be successful, except for possibly a handful of cases.

One question arising from the 22 June Hearing was that of how many Gypsies are still nomadic today—the answer to that question, in my opinion, can only come from a detailed and accurate count of Gypsy families, which unfortunately (and in spite of a previous study by the Office of Population Censuses and Surveys, and the latest ODPM research) has never taken place in this country.

From a personal viewpoint, I firmly believe that there has to be an in-depth study of the existing situation as regards Gypsies and housing—and the collection and consideration of hard and fast evidence—prior to the implementing of any new proposals concerning “Group Housing”.

In any case, when people talk about “Group Housing” for Gypsies, it seems that they lose track of the acceptance over the years by successive Secretaries of State that Gypsies as a community should be allowed to continue to live their way of life for as long as they wish. Rather than “Group Housing”, could the Committee not instead consider “group caravan sites”, and a corresponding change in Housing legislation (as mentioned earlier in this Memorandum) in order to enable bodies such as the Gypsy Council’s own caravan sites co-operative to qualify for start-up funding?

10. *Is anti-social behaviour a big issue, and is it ever reasonable to evict Gypsies camping illegally?*

In considering these questions, I would point to the 41 sites (minimum estimate) which we as an organisation have seen forced to close over the years because of the unruly and anti-social behaviour exhibited by a certain element operating within the Gypsy community as defined, and also the fact that previous research conducted by the Police has suggested that there has been a link between robberies from elderly people by so-called “bogus callers” and travelling Gypsies, and state that anti-social behaviour is—insofar as the Gypsy Council is concerned—definitely a big issue, furthermore one which we have been warning both Central and Local Government of for a great many years.

As far as the question as to whether it is ever reasonable to evict Gypsies camping illegally is concerned, then the answer to that has to be dependent upon the circumstances—if, for example, a family (or small group of families) is camped in an area (either on their own land, or on someone else’s land with the permission of the landowner) and is causing no problems by their presence there, then it is not reasonable to evict them. However, 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.

Hughie Smith
President
The Gypsy Council
(Romani Kris)

June 2004

Supplementary memorandum by the Gypsy Council (Romani Kris) (GTS 04(d))

Committee Members may be interested in seeing the attached letter from Cardiff, in relation to the annual deficit in running costs on the Rover Way and Shirenewton (Local Authority) sites—the sites were provided against the advice of the Gypsy Council (who had advocated the provision of smaller sites, on a number of more suitable locations elsewhere in the area which we had identified and which were available at the time), but instead the former South Glamorgan County Council paid “lip service” to the “Cardiff Gypsy Sites Group” (and its predecessor, the “Cardiff Gypsy Support Group”) in providing two large sites (the Rover Way site having subsequently to be halved in caravan capacity) in these two locations.

Previous information from the former County Council (prior to reorganisation) had placed the annual deficit on both sites at £330,000—but at that time, 11 wardens were employed to look after the sites on a rota basis. Even so, in 2001 the sites still operated at a cost to local Council Tax payers of £225,846 per annum, and necessitated a total of six staff to run them.

Committee Members are also asked to note that the “Cardiff Gypsy Sites Group” received, in 2001, a grant of £30,000 from the Local Authority—if, as it is claimed, this group “has the ear” of the families on the Rover Way and Shirenewton sites, why is it that the sites continue to be such a drain on the Public purse?

SURVEY ON GYPSY SITES RENT

Further to your correspondence with Sarah McGill Operations Manager Housing Management she has asked me to send for the information in the public domain as requested regarding Roverway and Shirenewton Sites. These are run together by one team.

No of staff six
Deficit £225,846
Grant to CGSG £30,000

The precise Management structure and hours worked by staff are not considered to be in the public domain.

I trust this answers your query.

Supplementary memorandum by the Traveller Law Reform Coalition (TLRC) (GTS 12(d))

THE GYPSY AND TRAVELLER SOCIAL INCLUSION TASK FORCE

WHY NOW?

1. A range of studies in health, accommodation and education demonstrate that Gypsies and Travellers are one of the most excluded groups in society.
2. New policies that may be drafted to tackle these problems will benefit from guidance and input from the Gypsy/Traveller community.
3. Gypsies and Travellers are beginning to effectively participate in the process of policy formulation. This is evidenced by the creation of the Traveller Law Reform Coalition and input into the ODPM policy review. A Task Force would extend this process.
4. The Home Office wishes to reduce discrimination and ethnic exclusion in a new consultation "Strength in Diversity", the consultation pamphlet (Strength in Diversity page 10) notes "*We know that for members of Gypsy and Traveller communities, overt racism is still a fact of day to day life*". The Task Force could act as a useful tool in challenging some of the causes of this overt racism and contribute to civil renewal, a core Government policy, "*civil renewal takes place when people become actively engaged in the well being of their communities and are able to define the problems they face and tackle them together with help from the government and public bodies*" (Strength in Diversity page 18).

WHAT DIFFERENCE WOULD IT MAKE?

5. The Government will complete a policy review on Gypsies/Travellers in July 2004, the resulting recommendations will benefit from a continued input on their effectiveness and delivery from a range of stakeholders including Gypsies and Travellers.
6. The Planning and Compulsory Purchase Bill and the new updating of circular 1/94 will have a great impact on the planning system. This is an area of considerable importance to Gypsies and Travellers and at present the source of a great deal of friction. A Task Force would assist in the development of a new planning system, avoiding the pitfalls of the present system, to the benefit of both the Gypsy/Traveller and settled communities.
7. On account of the exclusion of the Gypsy/Traveller community it is especially difficult to convey to this minority the impact of new legislation/reforms/consultations and difficult for the Gypsy/Traveller community to raise concerns or give input into these processes. A Task Force will overcome some of these difficulties helping to prepare training/awareness raising materials such as videos and tapes and participating in training/awareness raising days. However, a Task Force should not be viewed as an alternative to local consultation.

WHO IS ON THE TASK FORCE? THE ROLE OF THE CIVIL SERVICE?

8. A range of representatives from various Gypsy and Traveller groups should be involved in the Task Force, representative of the various groupings within the Gypsy/Traveller community but also the regions, and gender and youth interests. Gypsies/Travellers should form a majority of the Task Force.
9. It should also include academics, and representatives of health, local government, housing, community work and other professional agencies.
10. The Institute for Public Policy Research in its report "Moving Forward" on Gypsy/Traveller accommodation recommended the creation of a special Government unit, Similar to the successful Rough Sleepers Unit within the ODPM, to coordinate policy in this area. They also proposed the creation of a steering group for this unit, which would include Gypsies and Travellers. A Task Force could also be used in such a role.
11. It is envisaged that the Social Exclusion Unit would also be involved in the work of the Task Force.

AIMS

Mission Statement

“To raise the social inclusion of the Gypsy/Traveller community and improve relations between the Gypsy/Traveller and settled community.”

Priorities in the first three years

- Look at the work of the Traveller Task Force in the Republic of Ireland and decide what lessons can be learnt.
- Review the new planning system and evaluate the impact on the Gypsy/Traveller community and devise a strategy/draft a series of recommendations to enable the Gypsy/Traveller community to more effectively access and understand the new planning system.
- Review the new ODPM draft guidance on managing unauthorised encampments and findings from relevant local authority scrutiny panel hearings and devise a strategy/draft a series of recommendations to enable service providers to offer effective transit site facilities.
- Look at community involvement, the physical development, design and construction of existing/new residential sites and relay good practice to those with an interest in this area.
- Review the situation regarding the security of tenure on Gypsy/Traveller sites, in the wake of the Connor Case at the European Court of Human Rights there is now considerable pressure on the Government to address this issue (see note).
- Review a series of health studies including the one shortly to be completed by Sheffield University into the health of the Gypsy/Traveller community and devise a strategy/draft a series of recommendations to enable service providers to offer better health services to the Gypsy/Traveller community and for a general policy regime to be in place that will have a positive impact on their health. A priority would be to assist in the formulation of a 10 year health strategy plan for Gypsies/Travellers.
- Review the Government’s most recent research on the education of Gypsies/Travellers “Aiming High” and recent localised Ofsted reports and devise a strategy/draft a series of recommendations to enable service providers to offer better educational/training services to the Gypsy/Traveller community and for a general policy regime to be in place that will have a positive impact on their education.
- Review the depiction of Gypsies/Travellers in the media.

NOTE

On 27 May 2004 the European Court of Human Rights found the UK Government to be in breach of Article 8 of the Human Rights Act on account of a local authority’s eviction of a Traveller family. Many experts in this field are of the opinion that the Government is compelled to change the law on security of tenure on Gypsy sites. During the passage of the Housing bill Karen Buck MP tried to promote a range of amendments to the Housing Bill, including a clause to improve the security of tenure of Travellers on local authority sites. The Commission for Racial Equality also agrees that the ruling by the European Court of Human Rights will strengthen the prospect of the Government accepting this particular clause, which we gather will be moved by Lord Eric Avebury in the Lords.

Supplementary memorandum by the Travellers Advice Team, Community Law Partnership (GTS 14(b))

RE: ODPM HOUSING, PLANNING, LOCAL GOVERNMENT AND THE REGIONS COMMITTEE EVIDENCE OF 29 JUNE 2004

Thank you for sending me the transcript of this evidence and I will leave my colleague, Doctor Angus Murdoch, to respond as to the proof reading of his particular evidence.

I have only two comments to make about the evidence received.

Firstly, I note how many of the witnesses, including Mr Bristow from the Cottenham Residence Association, called for the re-introduction of the duty to provide or to facilitate the provision of sites and I think that the call for this is now completely overwhelming, including, of course, from ourselves, and I do hope that the Government act accordingly. To not act in response of this will be to effectively condone further situations as have happened at Bulkington, Meadowlands, the Firle Bonfire Incident, the murder of Johnny Delaney and many other tragic incidents.

Secondly, the only evidence that I would particularly like to draw attention to is that from Mr Cairns from Somerset County Council. Mr Cairns stated: “I do not try to work out the tactics of the legal profession but in Somerset every single time a certain law practice represents Travellers we are threatened with a Judicial

Review and applications are made. It is never at County Court, it is always through an application to the High Court to stop on the day of our possession and, of course, that causes great problems. We have a site at the moment that we started trying to get possession of the week before Easter. We gained possession in the County Court, we organised the Bailiffs a serving of that Order, and on the very day prior to serving the Order the application went in and now we have a site that has doubled and trebled in size. We cannot control the numbers that move on, we have problems with anti-social behaviour, and the Police are getting involved. I would like to say here in Somerset that we have great support from the Police when we require it and we do not always ask them to attend unauthorised encampments when we obtain Possession Orders". I would like to point out that this evidence is most misleading and unhelpful. The law practice he refers to is our law practice. Firstly, it is completely incorrect to say that every time we are involved with a case in Somerset a Judicial Review application is made. Our approach is always to try negotiations at first. It is only if negotiations are unsuccessful and if we feel that there is a potential legal challenge, that an application for Judicial Review will be made. He refers to a current case. I am firstly somewhat surprised that he would refer to a case that is still in Court. Moreover, this is the first case in Court with Somerset County Council for some three years. His point about us not attending the County Court is, with all due respect, an example of ignorance of the Legal position on his part. There is no Defence to a County Court possession action and that has been made clear by the recent case of *Qazi—v—London Borough of Harrow* (a case involving a former tenant of Council housing accommodation). Given that fact, it would be a waste of Legal Aid money if we actually attended the County Court when there is no defence to the action. The only possibility for us is, if the circumstances merit it, that there may be an application for Judicial Review regarding the way in which the eviction has been dealt with. In the particular circumstances of the case in question (and once again I am surprised that he should refer to an ongoing case) we did feel that there were merits in making an application, that application was made and we have recently received permission to proceed with the Judicial Review from a High Court Judge. Presumably, therefore, he is in fact taking issue with the High Court Judge who has given us permission to proceed. Part of the Judicial Review application concerns the question of the lack of the (alleged on our part) liaison between the County Council and the District Council concerned. I note that in oral submissions to the ODPM Committee evidence was given about the importance of liaison between County Council's and District Council's. I also note his points about the increase in size of the encampment in question. It is inevitable that an encampment that manages to remain in a particular location for a reasonable period of time may attract further Travellers and this is simply because of the lack of adequate site provision of all sorts. In this respect the submissions from Mr Cairns (although I fully agree with his submissions on the question of the problem of rent on official sites) are completely unhelpful and counter-productive. I must say that, with many Local Authorities, including many County Council's, the Travellers Advice Team within the Community Law Partnership has a very close and useful relationship where matters can be discussed and negotiations can take place without the need for the matter ever leading to Court applications, and, in that context, I find the approach of Mr Cairns to that matter entirely perplexing. I can assure the Committee that the Travellers Advice Team are not in the business of creating Court cases out of thin air. We are completely overwhelmed with demands for advice and representation from Gypsies and Travellers throughout England and Wales and, if we can negotiate a successful compromise or solution with the Local Authority, whether District Council, County Council or unitary Authority concerned, we are most happy to do so and, indeed, that is our preferred approach. Just for further clarification, we would see the confrontations that have occurred recently at Bulkington and Meadowlands (to name just two examples), cases that we were involved in only at the very bitter end, as being situations that we would wish to do our utmost to avoid and as being situations that have no benefit to our clients since we have seen (after the event) the enormous trauma caused to the Gypsy and Traveller families concerned. We would also, therefore, call on Local authorities to exercise some degree of restraint in the use of the powers that are available to them under statute and, in that regard, I fully commend Mr Cairns and the position of Somerset County Council of not seeking to use the powers under the Criminal Justice and Public Order Act 1994 which may result in the criminalisation of Gypsies and Travellers who have no alternative but to resort to unauthorised encampments.

I trust this further submission is of use to the Committee and, once again, I was very pleased to see the unity of opinion in favour of the re-introduction of the duty to provide or to facilitate the provision of sites.

Memorandum by the National Association of Gypsy and Traveller Officers (GTS 40)

1. CURRENT PROVISIONS AND LOCATION OF SITES

1.1 Current provision of Gypsy and Traveller accommodation may be divided into a number of elements. These include the provision of accommodation in the public sector (notably by local authorities) and the provision of private accommodation by Gypsy and Traveller families themselves, together with a future forecast of provision and future forecasts of permanent site provision and provision for transitory or migratory Gypsy families who travel away from their permanent residential accommodation. With this mix of provision must also be included the location of sites which are often in the most inaccessible and restrictive locations which, by their very lack of infrastructure, prohibit Gypsies from establishing more permanent accommodation. 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.

1.2 The current provision is inadequate across the country and this has been substantiated by the Pat Niner Report, which makes the requirement for accommodation to be increased by 2,500 to 4,000 available pitches. The Pat Niner Report is based on research undertaken with local authorities and also the Count statistics supplied by local authorities. 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 the Count to be undertaken on a county-wide basis and with improved accuracy, and to be verified by Gypsy and Traveller officers.

1.3 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.

1.4 Following the repeal of the duty on local authorities to provide accommodation in 1994 under the Criminal Justice and Public Order Act there has been a decline in the provision of permanent accommodation for Gypsies and Travellers. Local authorities no longer have a duty to provide accommodation and are seeking opportunities to divest themselves of Gypsy and Traveller sites as these are often viewed as being a disproportionately larger drain on budget commitments than the settled community. The lack of inward investment in existing Gypsy and Traveller sites has caused concern to local authorities and Government who have reinstigated the Challenge Fund for refurbishing Gypsy and Traveller accommodation. Although grant aid exists for refurbishment and the provision of transit sites, the permanent financial aspect is limited to 75%, with the local authority providing the remainder. This requirement prohibits new construction and, without a duty of provision, local authorities are reluctant to provide additional sites and persuade the electorate that the planning case for such permanent accommodation has been made. The lack of a duty of provision has been one of the largest factors in preventing the growth of additional accommodation.

1.5 The Gypsy and Traveller community, often due to the high birthrate among travelling families, enjoys a growth in numbers to a higher degree than the settled community. The additional numbers, together with a static or decline in permanent accommodation, has resulted in a growing number of caravans on unauthorised encampments. The Gypsy and Traveller community has endeavoured to provide its own accommodation by the provision of private planning applications. However, without Government support planning applications are often refused and have a disproportionately lower approval rate than applications from the settled community. Indeed, private planning applications for Gypsy families, in the vast majority of cases, are forwarded to appeal. Planning authorities (in terms of local Members) are loathe to grant planning permission for Gypsy families, and the decision to refuse and the subsequent appeal to the Planning Inspectorate is inevitable. This process causes undue expense and delay in the whole planning system and causes frustrations for both the Gypsy community and the settled community alike.

1.6 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.

2. DEMAND FOR AND USE OF SITES

2.1 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. Gypsy families also prefer, if possible, to enjoy their own private accommodation without the requirement to be supported by the public sector.

2.2 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.

3. EXISTING FUNDING ARRANGEMENTS

3.1 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.

4. SITE CHARACTERISTICS AND FACILITIES PROVIDED

4.1 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.

4.2 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.

4.3 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 and 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.

4.4 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.

5. MANAGEMENT OF UNAUTHORISED CAMPING

5.1 Unauthorised camping continues to be a problem for both travelling and settled communities. For the travelling community there are insufficient places to stop for a short period of time, therefore all stopping places (with the exception of a small number of transit sites) are unauthorised and cause problems with the settled community. The settled community views unauthorised camping as a continuing invasion of its environment and a clash between the two communities is therefore inevitable.

5.2 Unauthorised camping can easily be eliminated by the provision of authorised stopping places to reduce discrimination by private campsites refusing to take Gypsy families.

5.3 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. The government guidance imposing a duty on local authorities on a county or regional basis would assist these authorities in the planning process and enable applications to be pushed forward against often hostile local reaction.

5.4 The management of both permanent and temporary accommodation is key to the establishment of provision. Without the appropriate training of personnel involved in Gypsy and Traveller issues and senior management overviews, Gypsy and Traveller accommodation will often decline. The training undertaken by the South-West Region Authority in Gypsy and 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.

6. ODPM STATISTICAL INFORMATION ON CARAVAN SITES AND FAMILIES

6.1 The statistical information presently supplied by the ODPM could be enhanced by a requirement for local authorities to seek clarification between local authorities. It is well accepted that many authorities not wishing to provide or be seen as having a need for accommodation submit numbers and statistical information which are not always accurate.

6.2 The issuing of guidance on the provision of statistical information by central government should be undertaken with a verification process included so that the statistics have credibility within both the travelling, planning and local government communities. At the present time, with the number of families who travel during the summer period, information is not recorded on their travel requirements or their permanent accommodation needs addressed.

6.3 It is often recorded in Count statistics 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. These factors are not recorded in the Count and therefore a disjointed picture is often projected.

George Summers
Secretary
National Association of Gypsy and Traveller Officers

Supplementary memorandum by the National Association of Gypsy and Traveller Officers (GTS 40(a))

CONSULTATION ON GUIDANCE CJPOA

ODPM CONSULTATION ANTI-SOCIAL BEHAVIOUR GUIDANCE—POLICE POWERS

Response on behalf of the Gypsy and Traveller Officers Association

The Association is writing in response of the current consultation on the use of Sections 62A to 62E of the Criminal Justice and Public Order Act 1994 (as amended). In commenting we would also note concerns regarding the lack of provision and the lack of central government guidance. Particularly the Association would wish to highlight the following points:

- There is no over-arching strategy on site provision or central government guidance on regional or national trends and the shortage of accommodation. The lack of central government over-view places on local authorities the task of determining provision in their area without central government directives to ensure provision may be provided often against the electorates wishes. This one-sided approach will lead to inconsistencies in provision across the country and the reduction in available accommodation. The lack of provision will also ensure discrepancies in the interpretation of the new powers by the individual police forces who will be free to interpret the use of the powers in their individual ways.
- The absence of a statutory duty or the accommodation assessment of need for the travelling population may encourage a number of authorities to under-provide or make no provision at all. This disjointed approach will only serve to make authorities wary of any such provision to overcome unauthorised camping.
- The lack of government guidance, particularly in planning, which will be required for any site provision will deter authorities from identifying appropriate locations or suitable sites. Generally local authorities have a call on its available land and many undeveloped sites are located in the greenbelt, or other constrained areas. The lack of a suitable guidance through the planning system and the ability to circumvent a protracted course through regional special and local plan strategies may lead to a possible challenge for local authorities when endeavouring to provide temporary and short-stay sites. Whoever undertakes the applications for development of new sites is required at the present time to follow the development Plan Review process and if sites have not been identified within the process to be included in the strategic strategies then authorities will be susceptible to challenge.
- 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.
- Although the Guidance includes references to suitable sites and accommodation it fails to take into consideration the inability to place transient families with permanent residents on permanent residential sites. 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.

- Other factors remain that if antisocial elements of the travelling community are directed to temporary short-stay sites then they will remain anti-social and undertake activities which disrupt the settled and travelling communities in their immediate area. With the enhanced powers there should also be included the ability for the local authority to remove disruptive elements of the travelling community irrespective of the accommodation provided for unauthorised camping. It is this minority of disruptive travellers that are causing problems for the majority of the travelling community.
- The lack of guidance on adequacy of provision and suitable pitches will also cause problems for the service providers and may well act as a basis for defence when authorities are challenged regarding a lack of provision. Since the powers themselves do not represent any anti-social behaviour element then this may disrupt the provision of temporary or short-stay accommodation.
- The linking of enhanced eviction powers to additional accommodation will add nothing to the task of addressing the significant levels of anti-social behaviour within parts of the travelling community. The anti-social behaviour orders indicated 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 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.
- When authorities offer places on a transit site it should be for groups that are observing good behaviour and require accommodation and will undertake to observe certain codes of conduct. The anti-social behaviour element that is causing the majority of the disruption to the travelling community and also the settled population must certainly not be rewarded for their behaviour by placing an unacceptable burden on the local community. Experience in this area suggests that most groups who would wish to stay for long periods on a transit site are in fact looking for permanent accommodation. However, permanent accommodation is at a premium and there is a national shortage of approximately 2,500 to 3,000 permanent residential pitches.
- There is also a problem where the amount of time that families may remain on the transit site. Assuming the police use its enhanced powers to move families on to transit or temporary accommodation after the three-month period they would be required to move off presumably back to the original unauthorised encampment. Once back on the unauthorised encampment the Police and local authorities will then presumably have the choice of redirecting them back on to the transit site.
- The inconsistent approach to transit site provision and permanent residential accommodation makes the enhanced powers unworkable and also provides confusion to both the settled and travelling communities. 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.
- Local authorities require assurances that when provided transit and temporary accommodation they are not being asked to meet national shortages of accommodation on permanent sites by the provision of temporary site 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 the subject to increased unauthorised encampment due to the availability of the transitory accommodation.

In summary the new powers will be ineffective if not linked to the provision of accommodation both permanent and transitory and the provision of funding to provide the infrastructure for the sites. Additionally, the planning system should be amended so that local authorities have a clear remit to provide sites and also the provision of permanent residential accommodation. The Government requires to rethink its strategy of enforcement with a strategy of determining provision based on the assessment of need of the travelling community. Local authorities and associations representing Gypsies and Travellers are supportive of the requirements of temporary and short-stay sites, however, unless the definitions and guidance is explicit then the powers and additional accommodation will prove ineffective.

George Summers

Secretary

National Association of Gypsy and Traveller Officers

**Supplementary memorandum by the National Association of Gypsy and Traveller Officers
(NAGTO) (GTS 40(b))**

I refer to the recent appearance of representatives of the National Association of Gypsy and Traveller Officers at the Select Committee hearing when Members of the Committee raised a number of questions. The Committee also requested a submission from the National Association with regard to the housing benefit received by residents of county council sites as opposed to the full payments received by private and district authorities. Please find enclosed a copy of the National Association's submission regarding the present situation which penalises residents on county council sites.

I would be grateful if you could present the submission to the Committee as part of its enquiry into the provision and management of Gypsy sites within England.

The National Association represents those practitioners in the field of Gypsy and Traveller management and services who work for local authorities in both the county council, district and borough levels. The Association also represents Gypsy site managers who are front-line managers with regard to the day-to-day management of the Gypsy sites. For a number of years the problem of housing benefit has caused major concern to the Members and also site residents where many residents are unable to afford the licence fee without the support of housing benefit.

George Summers
Secretary
National Association of Gypsy and Traveller Officers

**REQUESTED BY THE COMMITTEE UNDERTAKING THE ENQUIRY INTO THE PROVISION
AND MANAGEMENT OF GYPSY AND TRAVELLER SITES WITHIN ENGLAND**

1. BACKGROUND

1.1 Approximately 50% of authorised permanent local authority Gypsy sites are owned and managed by county councils. The majority of licensees on the local authority sites are in receipt of housing benefit due to difficulties in obtaining paid employment and the often limited communication skills inherited from way of life. The lack of paid employment causes dependency on housing benefit for the payment of the licence fee to the county council. The administration of housing benefit is undertaken locally within the district where the caravan site is located. County councils do not administer housing benefit and therefore are dependent upon the district authorities for the administration of the benefit. The housing benefit applicable to individual sites is limited by a local reference rent which is determined by the Rent Service after an assessment of supposedly similar rents within a given area. Therefore, the county councils' residents are penalised as they receive a reduced housing benefit on their sites.

1.2 The artificial level known as the local reference rent is determined by rent officers and this figure is paid by district councils to the claimants. NAGTO has identified sites with local reference rents as low as £19 per week and other sites with local reference rents of £38 per week. The sites that receive low local reference rents necessitate the site residents providing the difference in the figure between the local reference rent and the actual licence fee required. This places an unacceptable burden upon the site residents who are unable to find the additional payment. Following a survey by NAGTO it would appear that the average local reference rent is between £24-£28 per week whereas the average site rent is between £35 and £45. The disparity in the payments often forces families to leave sites and return to travelling due to an inability to fund their accommodation.

1.3 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.

1.4 County councils 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.

2. WHY IS THERE A DIFFERENCE BETWEEN COUNTY COUNCILS AND BOROUGH COUNCILS WITH REGARD TO HOUSING BENEFIT?

2.1 In a two-tier system of local government the operation of the Social Services Administration Act 1992 is a function of the district council. Within this system, housing benefits are placed in two categories:

- Category One: Housing rebate (not referred to the Rent Service).
- Category Two: Housing allowance (referred to the Rent Service for a determination).

2.2 The problem exists that under Regulation 191 of the SSAA 1992 Definition of Local Authority excludes county councils, a definition accepted by the Rent Service, therefore claimants of housing benefit residing on county council sites are deemed to be within the category which is referred to the Rent Service for a local reference rent determination.

In other words the local authority (district, borough or unitary) does not have to refer themselves to a local reference rent whereas a county council is not recognised as a local authority and the rent is referred for determination for a local reference rent. This situation would appear to be a nonsense and that the county council and district and borough councils should all be classified as local authorities.

3. THE EFFECT OF LOCAL REFERENCE RENTS ON COUNTY COUNCIL SITES

3.1 There are different levels of benefit paid to members of the same family groups residing 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.

3.2 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.

3.3 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.

4. RECOMMENDATION

4.1 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.

4.2 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.

July 2004

Memorandum by Phillip John Plato (GTS 41)

1. PERSONAL BACKGROUND

1.1 I am Phillip John Plato and I am the Managing Director of a privately owned group of property companies. I am also a Chartered Planning Surveyor and a Fellow of the Institute of Directors.

2. INTRODUCTION

2.1 In the course of my career I have been involved in a number of incidents involving Gypsies and Travellers including giving evidence at County Court Injunction proceedings and various planning applications and appeals by Gypsies, or with incidents of trespass onto land in the ownership of my company or my family or on other land adjoining property where I have an interest. This has involved me in extensive research into Gypsy issues and other planning cases and therefore I feel sufficiently experienced to offer comment on these matters. Further details of my experience are also detailed in Annex 1 attached.

2.2 I note that the Select Committee does *not* wish to consider individual cases but rather is seeking comment on seven particular issues listed in the ODPM Press Release dated 28 April 2004. With this in mind, my comments will be confined only to these general issues, and mainly to the provision of sites and to certain aspects of the management of unauthorised camping.

3. PROVISION AND USE OF SITES ETC

3.1 Following the Government's decision in 1993 to reform the Caravan Sites Act 1968, and to remove the statutory duty on all local authorities to provide sites for Gypsies residing in or resorting in their areas, local authorities are now only obliged to provide such sites at their discretion.

3.2 It follows therefore that in the absence of compulsion for local authorities to provide sites, that if there is any shortfall in site provision this can only be made up by private sites.

3.3 This effectively means that the provision of Gypsy sites is now dependant upon the Town and Country Planning system.

3.4 The management of unauthorised camping is achieved by the combined resources of the Police, Local Authority Gypsy Officers and Planning Enforcement Officers, working in liaison with Social Services, and representatives from local Health and Education authorities.

3.5 The Government attempted to provide planning advice to facilitate site provision, with the publication in 1994 of the Department of the Environment Circular 1/94. This encouraged Local Planning Authorities (LPA's) to determine the quantum of Gypsy site provision by monitoring biannual counts of gypsy caravans in their area and to then allocate for sites in Local Development Plans and where this was not possible, to incorporate criteria based policies for suitable locations. In the intervening 10 years, there have been various changes in planning law and policy, social factors and other legislation including the Human Rights Act 1998, which mean that the advice in this Circular is now outdated.

3.6 The result is that Gypsy sites provision is now chaotic and largely reliant upon good fortune. It has resulted in uncertainty, delays in provision of sites as well as unnecessary public and private cost. The inefficiencies of the current planning process have caused hardship that is not confined only to the travelling community.

3.7 Consequently, bona fide travellers in the UK often cannot find sites. This situation has not been helped by the decision of the Irish Republic in 2002 to make trespass a criminal offence in Ireland, which has encouraged more Irish Travellers to come to England where the act of trespass is merely as a civil matter. Furthermore, the weaknesses of the planning system has encouraged abuse of the planning process by others claiming to have local Gypsy status but who are well advised and funded and who make repeated attempts to develop Gypsy sites in inappropriate locations whilst causing stress, nuisance, cost and hardship to the legitimate settled community nearby.

3.8 Because Circular 1/94 places emphasis on local monitoring of Gypsy statistics, it fails to encourage the sharing of information between LPA's and other authorities or to recognise that such abuses are widespread and are often associated with people from the same group or family.

3.9 It is difficult in the current regime to quantify any real under provision of Gypsy sites. The availability of private sites in the southeast is particularly difficult due to simple land use economics which sometimes renders it impractical for individuals, either Travellers or otherwise, to develop land for Traveller use. Consequently, private site provision has been attracted towards areas that are outside the urban area but which are subject to planning policies of development restraint [ie Green Belt, Areas of Outstanding Natural Beauty etc]. Invariably, this is controversial and results in conflict between the Gypsies, the LPA and tension with the settled community.

3.10 This situation is commonplace despite the advice in Paragraph 13 of Circular 1/94. Paradoxically, this advice has itself introduced uncertainty into the planning process and is unhelpful due to its use of ambiguous phraseology such as "Gypsy sites are not regarded as being among those uses of land which are *normally* appropriate in the Green Belt." I note that the practice of using adverbs and terms such as "normally" is now discouraged in more modern planning guidance or policy. Further uncertainty arises in Paragraph 22 of that same Circular.

3.11 These 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.

3.12 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.

3.13 At planning appeal inquiries, LPA's are often criticised for not conducting quantitative assessment of Gypsy needs in their areas as referred to in Paragraph 12 of Circular 1/94. This then leads to an implication that the Local Authority have somehow failed in their duties and that planning consent should be granted. However, the Government Department responsible for overall monitoring of Gypsy site provision is the Office of the Deputy Prime Minister (ODPM). I have noted that within the ODPM web site, a report appeared in recent months on The Provision and Condition of Local Authority Gypsy/Traveller Sites in England. (see: www.housing.odpm.gov.uk/) This stated that "There has not been an official assessment of need for Gypsy/Traveller accommodation since the first Gypsy census in the mid-1960s" and goes on to add that "There is no accepted approach to assessing Gypsy/Traveller accommodation needs." I therefore regard the requirement within Circular 1/94 for LPA's to conduct quantitative assessment of Gypsy needs as unhelpful if there is no acknowledged method to assessing such need.

3.14 Planning applications for private Gypsy sites are invariably accompanied by claims that there is a significant shortage of sites. I cannot see clear evidence to support such a general assertion. Whilst certain areas may experience a shortage of sites, there is clearly no readily available method to quantify

the number of sites that are required. Similarly, there is no method for identifying the type of sites required (permanent or transit) or the location of where they are needed or indeed the age, sex health or personal circumstances of Gypsies in an area. Meaningful data on the Traveller population is scarce and given the mobile nature of this community it seems unreasonable for LPA's to base policies on "snapshot" data that is purely numerical.

3.15 Local Authorities are still obliged to conduct biannual counts of Gypsy caravans. 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:

- (a) 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 LPA's.
- (b) Second, there is now way of determining where such sites should be located. LPA's often represent very large geographical areas and the raw data takes no account of travelling patterns.
- (c) 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.
- (d) It is impossible to draw any conclusions from the length of waiting lists for vacancies on authorized sites. Where a Gypsy site provides permanent facilities and is full, it can take several years before a vacancy arises, unless it is a transit site. However, this cannot be taken as evidence of "local need" or the quantum of any further site provision or even if any more sites are needed at all. It is quite possible and indeed probably understandable, that Gypsy families wishing to seek a place in the authorized County sites would register themselves on a number of different waiting lists for various sites, possibly in more than one local authority thereby distorting the true total numbers waiting for sites.

3.16 The conclusion reached by the ODPM in the aforementioned report is that there *is* most likely a prevailing shortage of Gypsy site provision on a national level and it gives a range of that estimated shortfall. However, the report does include a section that indicates that a considerable element of this shortfall is represented by the needs for "transit" caravan sites and adds that "If all the existing sites were expanded by two or three pitches, the lower estimate (of the shortfall in national provision) might be met without new sites".

3.17 I agree with this general conclusion because it is supported by the fact that overall the number of planning applications being made for *permanent* Gypsy sites is relatively low despite the claims made at planning appeal inquiries of their being significant under provision. If there were a significant shortfall, one would expect a greater number of applications than there are. Indeed, I have observed that where such claims are made in support of a Gypsy planning application or appeal, that analysis of data from the relevant LPA often reveals that the subject site where this claim is being made is the first such application in the previous five years or more. This would suggest that any real need is mainly for transit sites.

3.18 If there have been other planning applications within that time, further analysis often reveals that there has been repeated applications made by the same Gypsy family or group, or fresh applications have been made in a relatives name or that larger sites have been subdivided into numerous plots for which fresh applications are made despite previous refusal of planning permission or the dismissal of an appeal. I make comment about this practice as it distorts any impression that may be gleaned from the numerical data that might be analysed about the number of Gypsy planning applications.

3.19 It seems that this is a practice adopted by the more unscrupulous or troublesome applicants of questionable Travelling status, who seek to open further opportunities for planning appeals, and thereby delay enforcement by another year or longer by such methods thereby undermining the planning system and adding further strain on public finances. I have given evidence about such practices at a S.187B Injunction where in the Judgement the County Court Judge described this as "an abuse of process" which would not be tolerated in other types of proceedings.

3.20 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 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.

3.21 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 two months to be determined locally. If refused, the applicant has up to three months in which to appeal and thereafter the Planning Inspectorate may take a further six months or longer to set an appeal date. The decision may then take a further couple of months (or more if referred to the ODPM). Over a year may pass before the matter is determined and this is in no-ones best interest other than the growing number of people previously referred to seeking to abuse the planning process.

4. RECOMMENDATIONS

4.1 The most cost effective solution for both LPA's and the Treasury regarding the funding of sites is to encourage private site provision by making minor changes to current planning policy and procedures. Where these recommendations address the management of unauthorised camping, I believe that such changes will not represent a breach of Article 14 (Discrimination) as they would apply to the wider community in equal measure and would constitute a welcome strengthening of the planning enforcement system too.

4.2 Given that it is unclear what the quantum of Gypsy sites requirement is, or where it is needed, or of what type (transit or permanent) or what facilities need to be provided generally, it follows therefore that the first step must be for central Government to fund an initial comprehensive survey or census to update the data from the mid 1960s. The new data could be collected locally but must be detailed (not a mere count of caravans) and analysed regionally or nationally for meaningful conclusions to be drawn.

4.3 The planning system then needs modification to assist with the provision of Gypsy sites and the enforcement or prevention of unauthorised camps. Consideration should also be given to making trespass a criminal offence.

4.4 Planning Circular 1/94 needs updating and revision. Ambiguity about the possibility of sites being located in the Green Belt or other areas of development restraint must be avoided. The advice should remove the recommendation that LPA's conduct quantitative assessments on a local level and replaced by an obligation that they should participate in regional assessment of Gypsy needs.

4.5 There is probably no necessity to return to a system of compulsion for LPA's to provide sites unless they fail to identify areas in Local Plans or adopt meaningful realistic policies in their Local Plans that will facilitate provision for the quantum that is ascertained from the aforementioned new census.

4.6 There is abuse of the planning process by a growing number who claim to have Gypsy status. Planning guidance must be clear that LPA's do need corroborative evidence of this status *before* applying consideration towards that status in all applications.

4.7 Similarly, new advice needs to be introduced that encourages LPA's to use their powers under S70A (namely to decline to determine an application) in order to stop the abuses of process. These can take various forms as previously described. These must be stopped to avoid opening up repeated appeals and extensive delays, further demands upon the public purse and undermining the enforcement process and control of unauthorised camping generally.

4.8 The system of managing unauthorised camping (and planning enforcement generally) would be assisted by the following recommendations:

- (i) Remove the ability for *anyone* in breach of planning or development control to make a retrospective planning application *as of right* in order to remedy that breach. The flexibility of the system could still be maintained by a requirement that such retrospective applications would still be possible but only where the LPA invites them. By this method, unauthorised acts that are causing nuisance to the settled community nearby, or the more flagrant and serious breaches of development control, will not be able to abuse the planning process and gain a year or longer before effective enforcement can start.
 - (ii) Alternatively, empower the Planning Inspectorate with the ability to operate a "fast track" process for Enforcement Notice appeals. This suggestion arises because such appeals have to wait in order together with all other appeals for proposed development that is yet to occur and/or may never occur. In contrast, unauthorised gypsy camps (and all other unauthorised development) is already a problem that needs addressing expeditiously especially to mitigate any nuisances or injurious affects to the neighbouring legitimate community.
-

Memorandum by the Association of Chief Police Officers (ACPO) (GTS 42)

With regard to the issues raised by the invitation to give evidence received recently by ACPO there are some areas which it would be inappropriate for the police to comment on but others on which we can properly give a view.

CURRENT PROVISION AND LOCATION OF SITES

The police experience is that there are insufficient sites to meet demand. We have been concerned by the closure of sites since the introduction of the Criminal Justice and Public Order Act 1994 which repealed the duty placed on local authorities to provide sites under the Caravan Act 1968. Our feeling is that the Gypsy Site Refurbishment Grant Scheme has not yet encouraged local authorities to provide additional transit sites. We do not believe that the powers granted to police under the Anti-Social Behaviour Act 2003 which amended Section 62 of the Criminal Justice and Public Order Act 1994 will be used frequently because there are rarely pitches available on transit sites for unauthorised campers to be moved onto.

DEMAND FOR AND USE OF SITES

See above.

EXISTING FUNDING ARRANGEMENTS

Not appropriate for police to comment.

THE GYPSY SITE REFURBISHMENT GRANT SCHEME

See above. No further comment from police appropriate.

SITE CHARACTERISTICS AND THE FACILITIES PROVIDED

Gypsy Travellers tell police officers that the sites that are provided do not always meet their needs and that they would like to be consulted on the design of transit and more permanent sites. In particular we are frequently told by Travellers that they would prefer not to have toilets on site but to have sluice points and running water. Police experience over the last 10 years has been that toilet blocks on transit sites are frequently a subject of extensive criminal damage.

Many sites are taken over by individual family groups and police experience has been that disputes arise over "possession" of a site and that there are sometimes power struggles between family groups. This can cause tension, not only between the Travellers themselves but in the community locally. Some family groups try to make even local authority provided sites into "no go areas" for other Travellers, council officials and especially the police. Travellers privately complain about being intimidated but will rarely complain to the police about the matter.

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.

MANAGEMENT OF UNAUTHORISED CAMPING

After an extremely long gestation period the ODPM and Home Office launched new "Guidance on Managing Unauthorised Camping" in February 2004. ACPO contributed to the research work and drafting of this document over a three year period and welcome its publication. It is a much more practical and coherent guide than its predecessor (first published in 1998) and supersedes the guidance issued by ACPO to police officers in 1999 and again in 2000. ACPO particularly welcomes paragraph 3.5 which for the first time identifies who should take the lead in formulating a strategy. We had been concerned that the legislation gave similar powers to both police and local authorities through Section 61 and Section 77 of the Criminal Justice and Public Order Act 1994 and that when an unauthorised encampment was set up there were frequent occasions when police tried to put the onus on local authorities and vice versa. The new guidance should encourage partnership working in a more effective way.

The document is very clear about processes and should be a standard reference work for all those involved in the management of unauthorised camping. It has not however been formally launched other than through the ODPM website while continued consultation has taken place on the use of Section 62A to 62E. It is our understanding that the Home Office are now evaluating the responses and will amend Chapter 6 of the Guidance accordingly. ACPO hopes that once this is done a formal launch will take place of the Guidance in order to get it to as wide an audience of practitioners as possible. ACPO would be very happy to take part in any activities to support promulgation of this document. No timescale has yet been set for its formal publication.

In terms of managing unauthorised camping what the document 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:

“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 £3,000 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.

ACPO wrote to the ODPM Minister, Tony McNulty MP, in April 2003 copying the letter to Bob Ainsworth at the Home Office suggesting the introduction of 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. The aim of the suggested system would be to share information between police, local authorities, the Environment Agency, Customs and Excise, Inland Revenue and Trading Standards officers. We subsequently had a meeting with officials in October 2003 where the idea was discussed further but believe that the idea has not been taken further at present. This may be due to the demands of other work but no formal response has been received from ODPM or the Home Office. Our original letter to Mr McNulty is appended to this evidence. 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. 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.

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.

Some Travellers themselves have responded to this by travelling in extremely large groups—they tell us for protection—which when they settle ratchets up community tensions even further.

ODPM STATISTICAL INFORMATION ON CARAVANS, SITES AND FAMILIES

Police comment inappropriate.

Supplementary memorandum by the Association of Chief Police Officers (ACPO) (GTS 42(a))

I am writing on behalf of the Association of Chief Police Officers Public Order Working Group to seek a meeting to discuss a proposal for a cross cutting information system which would allow a multi agency access to information about those who are involved in unauthorised camping and who cause damage to the environment, disrupt the lives of communities, commit crime and cause disorder or who carry on businesses where no VAT nor income tax is paid and where often shoddy work is perpetrated upon unsuspecting customers. We launched this proposal at the conference last week where you gave the opening address. The aim of the system is to share information between police, local authorities, the Environment Agency, Customs and Excise, Inland Revenue and trading standards officers. It aims to overcome the problem of agencies working in local silos with no ability to share information. For example, it could result in those unauthorised campers who leave one site in a terrible mess which costs many thousands of pounds to clear up being presented with the bill for the clear up operation at their next or near but one site.

The proposal received support from local authority officials who attended the conference but was seen by some of the travellers who attended the conference as a threat to their way of life. They were particularly against anything which they perceived as a database of gypsy travellers. Privately some attendees from the

traveller community said that something like this does need to be done to challenge the minority of unauthorised campers who cause the rest of the travelling community to be so disliked by the settled community.

We have been discussing this idea with the civil servants from your department who have been running the advisory group on the revised guidance on unauthorised camping and also with the Home Office who have an interest in such a scheme. We would welcome the opportunity to have a brief meeting with you and your officials to discuss this proposal and its possible viability. We see it having potential for a bid under a future ISB round.

I am copying this letter to Mr Bob Ainsworth at the Home Office to ensure that they are kept in the loop.

Alastair McWhirter
Chief Constable

July 2004

Memorandum by the Gypsy Council (GTS 43)

The Gypsy Council is a fully constituted, democratically run organisation with a written constitution, equal opportunities policy and regular open minuted meetings whose executive and committee are elected at the Annual General Meeting held each April. The operation of the organisation is managed by the elected committee on a completely voluntary basis with the assistance of a part time paid administrative assistant. Primarily a Gypsy organisation, The Gypsy Council acknowledges the rights of all Travelling people to a nomadic way of life and works with all those representative groups and organisations who are willing to work with it and each other towards a common aim; to stamp out racism and bigotry, to gain equal rights for Gypsy and Travelling people with the provision of a legal place to live, access to education and health care and respect and enhancement of their culture and way of life.

The organisation operates on membership subscriptions, donations and funding from other charitable organisations with which it provides an information service to its members, National and Local Government, social services, education services, students, the media and other interested statutory and non statutory bodies. It provides help and support to individuals experiencing difficulties and hardship as a direct result of being a Gypsy or Traveller. It works with both Local Authorities and Government Departments towards improving policy and legislation in respect of Gypsy and Traveller people and is involved in awareness training so that both Gypsy and non-Gypsy people can begin to understand both their differences and similarities and learn to live together.

The Gypsy Council also works within Europe. Its Chair, Charles Smith is the UK representative to the UN and its President Sonnie Gibbard works with the Roma people in the Eastern European countries. The next meeting of the Romani Union will probably be in Bucharest.

The Gypsy Council said in 1993-94 when the Government removed the duty to provide sites in its Criminal Justice and Public Order Act, that the level of site provision would plummet and it has. We are losing the equivalent of 200 pitches (homes) every year as sites are run down and closed in such as Harrow and Enfield. In other areas like Barnet and Bristol where residential sites were never built, these authorities will not now be brought to book for not complying with the 1968 Caravan Sites Act. The Government research said two years ago that some 2,000 residential and 2,500 transit pitches (homes) are needed for England and we would suggest that another 2,000 pitches at least are needed for Scotland, Northern Ireland and Wales. 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.

We really cannot afford the luxury of any further delays. More and more Gypsy and Traveller children are going to experience violent evictions, whilst they see their parents treated with disrespect by those in authority and by the settled population. They will lack the basic essentials of education and through social exclusion will miss out on the positive learning and social interaction usually experienced during these most impressionable years. This also actively keeps the distance and the lack of contact and knowledge of each others culture that fuels racism.

In view of the need for positive action now, The Gypsy Council would want to see the following:

- (1) A moratorium on evictions on private sites.
- (2) A duty to provide adequate and sufficient sites for those who need caravan sites.
- (3) Equality by putting Gypsy and Traveller families' needs into mainstream policy development.
- (4) Equality in planning, use of land and the need for family accommodation.

1. A MORATORIUM

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

2. A DUTY TO PROVIDE

Few if any local authorities have obeyed Government requirements under 1/94 to put land use needs 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. Few Authorities have a policy under the Homelessness Act. Few have a policy under the Race Relations Amendment Act.

The Commission for Racial Equality are pushing Firlie District Council to get their Race Policy organised after the Bonfire Society's parading of an effigy of a Gypsy caravan through the village and burning it after a racist speech from a local councillor. They need to get this organised before they can get on with the matter of building positive relationships between the different groups. 12 people, including the councillor are being charged with incitement to racial hatred.

Bristol has a draft policy on unauthorised encampments which will be going to full council in June which says "unauthorised encampments will not be tolerated. They will be responded to with prompt and proportionate intervention." Why has Bristol come to this conclusion, even though there is only a transit site and **NO INTENTION OF PROVIDING FURTHER SITES?** Because in the view of the officers "Existing and proposed Government policy and legislation are based on the premise that unauthorised camping is wrong." (our emphasis). These are the Governments own words from all speeches in 2001-02 where it was determined to blame everything on the Gypsy people for what was said to be bad behaviour.

Currently there are insufficient local authority resident caravan sites where Gypsy and Traveller families can rent a plot for the medium/long term. There are some 330 such sites (down from 360) which is a considerable short fall on the present need. Essex for instance in July 2003 had 451 families without a place to site their caravans. That is a considerable number and it will take political courage to get land, planning permission and then money to build each site. Whilst the provision of local authority caravan sites for Gypsy and Traveller families comes under the duty of that local authority, the political will to build such sites will not be there as the councillors will continue to pander to the racist views of some of its electorate. The duty to provide must come direct from central Government thereby taking this political pressure off local authorities but whilst the discussions go on, it would be helpful if the Government would enforce the existing legislation.

The Government must also lead by example and not give authorities like Bristol above the words to provide excuses not to provide sites. Also rather than it being acceptable to say "unauthorised camping is wrong" we should all be saying "constant eviction of families with nowhere to live" is wrong.

3. EQUALITY IN MAINSTREAM POLICY DEVELOPMENT

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 three to five 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 the 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 a caravan site. If it is for ANYONE then it will encourage good relations and improve standards for everyone.

At the moment, most sites are DIRE, run down, badly built from bad designs and very often badly managed. There are no standard site rules and regulations and often these are draconian and sometimes tyrannical, some local authorities to get sites off their hands will allow less than desirable people/organisations to manage their sites and in Milton Keynes, the sites are managed by the police. We would hope to see sites managed by approved and registered social landlords such as NOVAS who, as a Housing Association have brought new and improved standards of design and site management. We would encourage such moves and would like to see positive steps towards the training and education of local authority members and officers.

Unlike other council tenants, Gypsy and Traveller site residents are only licensed and do not have a tenancy agreement. This gives these families no security of a place to stay. Subsequently, they unlike other council tenants do not have the “right to buy” which prevents these families from getting onto the property ladder at a level they can afford.

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. The Government is to spend some £3 billion providing solutions for failings in their local authority housing and yet they are only spending a piddling £8 million on refurbishment and building of new Gypsy and Traveller sites. As some 200 new sites are needed, this money is simply not enough.

Gypsies are an ethnic minority under the 1976 Race Relations Amendment Act, yet they do not appear as a separate heading under the Census. Numbers are calculated via Local Authority caravan counts which are accepted by all to be inaccurate. So Gypsy and Traveller people are either a number derived from a dubious count of vehicles or are classed under an anti social or criminal group of society. This is totally unacceptable. The Government and Local Authorities must simply list Gypsy and Traveller families amongst the list of “local people” then there is no need for “exceptions” and all can be treated equally.

We do not want to be exceptions; “special treatment” has ghastly memories attached to it. It is our belief that ANYONE who wants to live in a caravan should be able to do so, without bigotry having any place in the situation. 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 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. This would only work however if the Government agreed to the moratorium and put a stop on evictions.

4. EQUALITY IN PLANNING

Although research from various sources differs slightly, on average, over 90% of planning applications submitted by Gypsy and Traveller families are refused whereas only about 10% of all other applications fail. Even at the appeal stage, less than 40% of Gypsy and Traveller applications are approved. 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 the plans and as such put political pressure on the council to refuse permission. Other more policy/legislation based reasons are that there is not one local authority which identifies the land use needs of Gypsy and Traveller in its local plan. Those that do include Gypsies and Travellers have criteria based policies that are virtually impossible to meet. Planning legislation does not allow Gypsy Sites to be built under any of its land use designations, which now includes the Green Belt where at one time, “under very special circumstances”, Gypsy sites were very occasionally allowed, only with added conditions which were usually very restrictive. A Gypsy Site basically seeks planning permission for one or more caravans. A caravan is a form of accommodation, the same as housing. We believe that if land is designated for residential use, then if a house can be put there, so can a caravan. Caravans are an environmentally suitable form of accommodation and should be considered as such by the Government and not viewed as sub standard or temporary accommodation as they are now. Anything else is inequality. We believe that “Gypsy” eventually be removed from ALL legislation. No other ethnic group has to suffer the indignity of being separated and segregated in this way.

IN CONCLUSION

The Gypsy Council believes that the right to a reasonable choice of 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. The Gypsy Council believes therefore that well managed and designed caravan sites should in principle be allowed to be built on any land which is zoned for residential purposes. If however planning permission for caravan sites is to be restricted, priority should be given to those who travel as part of their occupation or economic, cultural or social way of life.

At the same time The Gypsy Council calls on the Commission for Racial Equality and on the police to ensure that anti-discrimination laws are fully applied to end the present discrimination against Gypsy and Traveller groups in access to residential and touring caravan sites, and in the operation of the planning process. It calls on the Government fully to acknowledge the traditional ethnicity of Gypsy and Travelling groups within its policies for anti-racism, inclusion and diversity.

Memorandum by the National Association of Teachers of Travellers (NATT) (GTS 44)

INTRODUCTION/CONTEXT

In relation to data collection the position of Traveller Education Support Services is unique. Access to all the Traveller communities is secured by TESs which have the expertise to use the data and information to enhance access and achievement within Education, for Travellers, but also, access to other public services.

TESs are an integral part of Local Authorities structures, functioning to address issues of Social Inclusion. The central issues concerned are: mobility; promotion of equality of opportunity access and entitlement; leading work to do with combating racism; racist attitudes; prejudice and discrimination.

Local Authorities have a duty to focus on Inclusion and adopt a strategic approach taking account of the Authorities' community leadership role. TESs have a significant role in promoting the integration of Traveller young people and addressing marginalisation.

MOBILITY

See NATT Mobile Months Survey Report—Annex I.

TESs may have a Mobility tracking system in place for the Local Authority, currently, cross referencing with other systems operated within the Authority, such as local authority records on unauthorised Traveller encampments.

Mobile months strategic background

Mobile Months is a twice-yearly survey which has been conducted by the National Association of Teachers of Travellers (NATT) in England since November 1996. The purpose of the survey is to gain a national picture of the nature of highly mobile groups and the educational experience of children and young people travelling with these groups. Highly mobile groups for the purpose of this study means those groups of families living on unauthorised encampments. Unauthorised camping occurs when people following a nomadic lifestyle, stop, by necessity or choice on unauthorised sites. There were around 3,500 Gypsy caravans on unauthorised sites in 1997 in England, with the possible addition of a further 1,500 New Travellers.

The Mobile Months survey takes place in June and November each year, aiming to give a picture of the situation in both the summer and winter seasons. NATT members were expressing grave concern about access to education for Traveller children and young people whose families are highly mobile. The survey aimed to try to collect data in response to that concern, with a view to addressing these concerns and campaigning to improve provision.

Three broad nomadic groups are identified as the focus of the study: English Gypsy Travellers, Irish Travellers and New Travellers. Fairground and Circus people are not included as, although they are high mobile, their movements are planned and their presence in a locality is authorised. It was felt to be important to distinguish Irish Travellers from others as they could be being doubly discriminated against, for being Irish and for being Travellers. Likewise New Travellers have been the focus of much negative publicity and it was important to try to ascertain whether this group of nontraditional Travellers were faring any differently than the other groups as a result of the legislation.

Strategic background

The Criminal Justice and Public Order Act 1994 made it very difficult for families to find a legal place to stop and provided strong new powers to move them on a very short notice. Though the Act was apparently intended to control the movements of "New Age Travellers", in practice it affected the lives of all travelling people, traditional and new. The Act repealed the 1968 Caravan Sites Act, removing the duty on local authorities to provide permanent or temporary caravan sites in their area, placing the emphasis on Travellers providing their own private sites. Planning permission for private caravan sites is extremely difficult to obtain. In some circumstances the Act makes it possible for families to be moved by the police at minimum notice, otherwise they can be arrested and the caravans impounded. They are not allowed back on that piece of land for three months.

Following the Criminal Justice and Public Order Act 1994, the Department of the Environment and The Welsh Office issued guidance "Gypsy sites policy and unauthorised camping" Circulars 18/94 and 76/94 respectively. Paragraph 11 makes these points on education:

"LEAs should take careful account of the effects of an eviction on the education of children already enrolled or in the process of being enrolled at a school. Where an authority decides to proceed with an eviction and any families concerned move elsewhere in the same area, alternative educational arrangements must be made in accordance with the requirements of the law appropriate to the children's ages, abilities and aptitudes."

Traveller Education Support Services (TESS) varied in their ability to assist such families to access school for their children. Through NATT meetings and through local contact between Services it became clear that there were a range of responses. In the best case scenario Services gave children from highly mobile groups the highest priority and a great deal of staff time. In some authorities, however, there was no Traveller Education Support Service at all, or in some cases personnel were not informed of the arrival of highly mobile groups until it was too late to help families access schooling.

In 1995 Mr Justice Sedley delivered a judgement which affected the way that local authorities had to act when seeking the eviction of unauthorised campers. He ruled that a district council and a county council were legally in the wrong when they failed to make proper enquiries about the welfare needs of the Travellers early in the process of deciding whether to evict them. He said that the local authority had a responsibility to take into account,

“considerations of common humanity, none of which can properly be ignored when dealing with one of the most fundamental human need, the need for shelter with at least a modicum of security”

Following this judgement local authorities were obliged to undertake welfare checks before deciding to evict unauthorised campers. In some cases this would include a check on the educational situation of the children.

Research by the University of Birmingham in 1997 led to the publication of joint advice for managing unauthorised camping by the Department for the Environment, Transport and the Regions and the Home Office to local authorities and the police. It was developed to

“meet the concerns of local authorities and police forces, and also of Gypsies and Travellers themselves, about how unauthorised camping can be managed, whilst at the same time ensuring that the needs and rights of all sectors of the community are taken into account.” (Foreword p 3).

The Guide recommended that education and health services should be included in a local authority Gypsy and Traveller policy. (para 3.18) and went on to say in paragraph 3.20

“Gypsies and Travellers can experience difficulty in accessing education, health and other services, especially when travelling between unauthorised sites. A policy towards tackling unauthorised encampment needs to consider how access to services can be assisted. Traveller Education Services are a source of advice on all matters relating to the education of travelling children and should be fully consulted when these issues are considered to ensure that the Government’s policy on providing access to education for travelling children is not undermined.” (p 17)

In August 2000 a revised Chapter 5 of the Good Practice Guide was issued. This seemed to signal a less liberal approach to unauthorised camping. The revision was produced as an attempt to clarify the concept of “toleration”. Because certain local authorities had felt that the advice prevented them dealing with unauthorised camping effectively and from reducing the nuisance and disruption to neighbourhoods. This new guidance suggested that, in the absence of specific welfare needs such as recent births, the major consideration about whether to evict or not should depend on the degree to which the encampment is interfering with the lawful rights of others, be they local residents, farmers or businesses.

This new chapter is silent on the subject of the education of any children living on an encampment when there is a decision to evict. Where a decision is taken not to evict it says:

“the period for which they are allowed to remain should be determined by the specific circumstances of the site and any very specific needs of those camping. The educational needs of the children should be an important consideration, and should be taken into account in deciding the precise time of eviction, which for example, could be delayed until half term, or the end of term provided of course there is good evidence of actual and regular attendance at school.” (Para 5.10 p 4).

Practice in Traveller Education Support Services

TESS collect and collate data and information in relation to all Traveller groups. The purpose, is to enable services to address the overall educational needs identified. The term Traveller denotes people whose culture is nomadic. These include: Fairground and Circus families; Gypsy/Travellers; Roma; Irish, Scottish, Welsh and English Travellers; New Travellers; People who live on the waterways.

In relation to Gypsy Sites and Planning, the perspective of Traveller Education is a valid one which needs to be given consideration by the relevant Government Departments. In order for TESS to successfully do their work, issues of accommodation have to be addressed. A recent case study focuses on this issue:

A woman with her family (an Irish Traveller) whose husband was murdered in October 2003, moved from one LA to another, in the hope of holding the family together at such a traumatic time. The family were hoping to find a place on a Traveller site. However there were not any places in the authority to which they moved.

(The building of enough sites to accommodate the relatively small number of plots required by the Gypsy/ Traveller communities would go a considerable way to addressing needs.)

The TEs involved with this family, were contacted by the mother, phoning to say that two children would not be attending school as they were being moved on that morning from their camp on private land.

The children attended a primary school for 2.5 weeks, but were then evicted. Transport was arranged and the children attended well. When the family was evicted the Local Education Authority transport department agreed to continue funding so that the children could continue at the same school until the end of term. Unfortunately the family was evicted almost immediately from their new camp. The family found another piece of private land to camp on, and the children were set to go to school in the morning, but the family was evicted again. The family was evicted three times in a month. (The provision of more sites would mean that Traveller families would have the opportunity to access education and still retain their Traveller culture and identity).

The impact of the evictions had a marked affect on one particular child. He had no chance at all to consolidate his few literacy skills and is unable to read or write. He is very aware of his lack of skills compared with his peer group. His numeracy skills are also far behind that expected for those his age. This has a severe effect on his self-esteem and affects his ability to relate to others and build relationships with his peer group.

The impact of his father's death: the child shows bouts of anger and unco-operative behaviour. He rails at all kinds of injustices as an outlet for his feelings, he runs out of the classroom and it takes a huge amount of time to calm him down. With such a huge event in his life to deal with the child will not be able to move forward unless he finds some stability in his life and is in one place long enough to access counselling and establish trust and confidence in a school.

(The whole family would be willing to take part in bereavement counselling and although the mother has contacted a service, she has not been able to make any arrangement because of the relentless moving).

(The mother's two eldest sons have young babies, one has just come out of hospital because of illness, and one daughter-in-law is five months pregnant with her second child. The mother is on medication for the grief and stress she is enduring).

The family need support to access healthcare.

Comment in writing by TEs team member ". . . the reality is difficult."

SUMMARY

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.

Any discussion or consultation relating to the demand for and use of sites would sensibly include an Education perspective. Existing funding arrangements, site refurbishment schemes, and site characteristics and the facilities provided, all impact on the areas of—access to Education and other services such as Health, and data an information is available from TEs. The management of unauthorised camping and statistical information on caravans, sites and families are issues which can be factual in nature. Any meaningful policy which will be effective, and address the complex nature of making systems simpler and more responsive to people's needs, whilst ensuring the ". . . underpinning for creating sustainable communities", must take account of the contradictions in existing legislation and policy, and the very real difficulties of turning policy into practice and delivering Public Services such as Education.

Lucy Beckett
NATT President

Memorandum by the Derbyshire Gypsy Liaison Group (GTS 45)

We would like to add further information to this enquiry as we believe the enquiry may have been some what mislead by figures. We do not see defining "truly nomadic" as a way forward and it is important to realise that the Gypsy/Traveller population of Great Britain are very different to a lot of our European neighbours as the main characteristic of our culture is to remain mobile. It is not therefore helpful to pin point and try and work out who is more mobile ie truly nomadic.

Most families in Great Britain had a winter yard or stopping place between the months of late October to March the 1960 Act closed a lot of these places. No one had the forethought to assist in passing more of these grounds. It seems to be that families have to travel more and more week in week out.

If the government are going to go down the road of only looking at provision for the "truly nomadic" it is neither useful or helpful and will make yet another hoop and hurdle for families to get through at planning enquiries and even less sites will become established.

The Romani Gypsy population do not accept the way the word gypsy is used in planning law and at times it seems you have to follow any criteria but be of the Gypsy race, this is really non sensical and wrong. We have tried extremely hard as a self-help group to try and get sites passed for our own people through a planning system that seems to put up ever increasing barriers. We have bad case law that defines Gypsy people as those that have to move about 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 classes as a gypsy therefore no site.

We mentioned that there is a very low pass rate of sites at the Committee stage and that continues to be true for us. We have recently lodged three applications that should be passed at committee stage but we know that it is highly unlikely to happen.

We don't think that we made it clear that out of the sites that we have gone for in the past, only one was in the Greenbelt. There is a difference between sites in the Greenbelt and sites that are in open countryside. There are parts of the countryside where sites should be permitted and we have managed to get sites passed here. We think this confusion over open countryside and Greenbelt needs clarifying. Although there is a presumption not to develop in the countryside it need not be so all the time. Some families are countryside people and have every right to be in the countryside and have links going back 300 or 400 years with certain rural areas. This is not too different to what is happening now with rural youngsters who find that they are being displaced by those fortunate enough to have £200,000 to pay for a two up two down cottage in an idyllic setting and know little about the country side when they move in it and also have scant regard for the families that may have been there for five generations the sixth generation being pushed to the outskirts of the nearest town. Therefore it is important to think of the rural people also and there should also be schemes for these families within the countryside. Words like "sustainable development" within development plans could also be read as lets kill off this village, we'll freeze frame it as it is now and it will make a nice retreat for London commuters. This is not helpful to any one.

The enquiry mentioned about going for Brownfield sites. The very first site we put in for was a Brownfield site and it was turned down, we did not fit into the Borough plan, this small plot of land was to be landscaped within a big landscape scheme. It was refused won on appeal for five years refused again, won on appeal for five years and third time around we got it for life. The Brownfield sites are just as problematic and we are still refused. Worse still some councils want special circumstance reasons for having a site on Brownfield ground. We really do object to private health business having to be aired at public enquiries. We are the only race in the country that do not have the rights to keep our health records to ourselves, special circumstance means everyone has to know. This is wrong.

Please also note that we find that we have to repeat the planning process more than once on some ground. This could be excused on Greenbelt land, but on a Brownfield site within an old mining area?

It is very important that we stop talking about numbers and we start to do something about the backlog of sites that are needed now. In 1998 we did our own study of families on the move. We are the only group that ever attempted to do this and it and it was mentioned in the Pat Niner report. This report showed that there was a considerable amount of families that did not have a legal stopping place and we actually worked out that if Derbyshire district councils individually passed between six and 10 small sites it would eradicate the problem overnight. If all the district councils did this it would definitely relieve the backlog of sites.

DGLG has never been a supporter of acres of ground being sold for individual plots to be made 20/25/30/40 plot sites we feel is not a good idea but we understand why this is happening as families have got fed up with a system that is seen to work against rather than with.

More sites need to be passed at the committee stage and there should really be a directive from government to say so many sites have to be passed within a district by 2006.

There is concern by some site residents on sites regarding the cost of electricity as some landlords add more money to the actual cost and there is also concern in some areas that the 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 is 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 the winter time. These problems would again be rectified overnight with more sites being passed.

We continue to try and assist Local Authorities not just in Derbyshire; we have had applications in Nottinghamshire, Leicestershire, Lincolnshire, Somerset, and Staffordshire and assisted in Sussex and Cheshire. We want to see changes and we want to help this come to fruition. We would be quite willing to assist in any way we can. The Gypsy and Traveller Law Reform Coalition has mentioned the forming of a task force DGLG and National Association of Gypsy Women (we are also members of the Coalition) would be happy to be part of this we feel that this is a very important step forward.

This submission is also supported by The National Association of Gypsy Women who also gave evidence at the enquiry and were concerned by what they heard.

Memorandum by the Greater London Authority (GLA), Mayor's Office (GTS 46)

I write in relation to your Select Committee inquiry into Gypsy and Traveller sites. The Gypsy and Traveller community (both travelling and housed) is substantial in number in London and is one of the most socially excluded groups in the country. My duties as Mayor include promoting equality in all policies and taking account of the needs of all Londoners. The London Plan provides the basis for investigating the issues facing Gypsies and Travellers over and above the fundamental questions of human rights facing this group.

I am aware that the loss of statutory duty on local authorities to provide sites, combined with particular pressure on land values in London, has led to a decline in site provision in London for Gypsies and Travellers over recent years. In response to this I recently held a seminar in association with the Traveller Law Reform Coalition to discuss site provision and related issues of concern to Gypsies and Travellers. A wide range of expert and representative bodies participated in a very useful discussion, including many London boroughs, the ALG, the Gypsy Council, the London Gypsy and Traveller Unit, the Irish Traveller Movement, Southwark Travellers Action Group, Friends Families and Travellers, the Commission for Racial Equality, London citizens and others. Below are listed the main findings of this seminar which I wish to bring to your attention, since I see regional progress on this issue very much within the national and local context.

MAIN CONCLUSIONS OF LONDON SEMINAR

1. The provision of enough pitches on good quality sites is fundamental to the continuation of the travelling life, and the recent decline in sites threatens the way of life of a recognised minority ethnic community.

2. 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 assessed as one aspect within mainstream housing needs assessments.

3. The shortage of sites has meant Gypsies and Travellers are forced to use unauthorised encampments, and the emphasis of the policy agenda has shifted away from rights and needs towards law and order.

4. 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.

5. Recent legislation has been less than helpful. The repeal by the 1994 Public Disorder Act of the statutory duty on local authorities to provide sites (established under the Caravan Sites Act 1968) should be reversed, with suitable monitoring of the implementation of this. As points 2 and 3 above indicate, Gypsies and Travellers should be covered in the Housing Bill, whereas they are in fact covered only in the Government's current Anti-Social Behaviour Bill.

6. Gypsies and Travellers suffer discrimination and harassment additional to their already disadvantaged position in fields such as health and life expectancy, education and employment. To compound this, their experiences of social provision in these fields can also be negative, as can media coverage and widespread treatment by the police—although there are some exceptions to this, particularly in terms of good practice by the Metropolitan Police Service.

7. Good service provision relies on good needs assessment, which in turn relies on good data. Knowledge of the size and nature of the Gypsy and Traveller community is woefully inadequate, at London and national level, and there is a clear need for good data collection on a consistent and sensitive basis, for which consultation with the Gypsy and Traveller community will be essential. Needs assessment itself could be depoliticised as a process through the establishment of a national Task Force. At a regional level, I am keen to work with government to provide a London assessment, within a national context.

I have undertaken to investigate the feasibility, depending on the availability of data, of setting targets for site provision for Gypsies and Travellers in London, to form part of the next review of the London Plan in 2006. In the meantime, I will ensure that the accommodation needs of Gypsies and Travellers are considered for Unitary Development Plans (now Local Development Frameworks) of London boroughs in the context of the existing London Plan (see London Plan, Policy 3.11)

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.

Specific investigation is needed into the reasons for the absence of transit sites in London and the extent of past and future demand for them. 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.

I support the promotion of exchange of experience and good practice in this field and I am keen to liaise with the Association of London Government on this and on policy development in consultation with Gypsies and Travellers. Issues of particular concern are the promotion of better data recording and monitoring by London boroughs, on a consistent basis, of Gypsy and Traveller access to public services; a potential audit of sites; the commissioning of research on issues of site management in London; and the equal treatment of Gypsies and Travellers in applications to London boroughs for planning permission.

I support the establishment of a pan-London Forum led by representatives of the Gypsy and Traveller community to progress policy issues of relevance to them, and especially to raise issues of a moratorium on evictions and the need for interim measures while proper provision is being set in place.

I have recently written to Minister Yvette Cooper informing her of these findings in order to feed into the ODPM policy review on Gypsy and Traveller issues. I am keen to investigate the position of Gypsies and Travellers in relation to sites in London in the context of national investigation and have therefore proposed further investigation of site provision in London in association with ODPM on the basis of jointly commissioned research.

Given the centrality of site provision to the continuation of the way of life of Gypsies and Travellers, and the need for all service provision to take on board the needs of both travelling and settled Gypsy and Traveller communities, I would hope that you take account of these findings as part of the evidence for your Select Committee inquiry into Gypsy and Traveller sites.

Ken Livingstone
Mayor of London

June 2004

Memorandum by Wychavon District Council (GTS 47)

BACKGROUND

Extensive provision made for gypsies in Wychavon—five public sites and numerous private sites with planning permission. Other Councils in the region have made little or no provision for gypsies.

In rural areas, very difficult to provide adequate supply of affordable housing for local families that have lived in villages for generations. The planning process of securing “exceptions” housing for local people in housing need is based on local connections/overall need etc.

RECENT GYPSY PROBLEMS IN WYCHAVON

Three major problems in the last year of gypsies with little or no previous connections with the area establishing new sites without first obtaining planning permission. In each case, land was acquired and the unauthorised development was carefully planned many weeks in advance. One of the sites is in the Green Belt; another is immediately adjacent to an area of Outstanding Natural Beauty and with serious highway safety issues.

Council have used enforcement powers available to it and cases are still ongoing, with significant costs to the Council, the gypsies and the legal aid fund.

CLOSURE OF GYPSY SITES IN OTHER COUNTIES

Other Councils are allowing (even encouraging) the closure of established gypsy sites without requiring any alternative provision to be made. This selfish practice exacerbates the problem re the national shortage of sites for gypsies.

SUMMARY OF KEY ISSUES AND ACTIONS REQUIRED

1. *Deliberate and orchestrated breaches of planning control—setting up of encampments without permission:*

- These are well planned/choreographed and of unprecedented scale.
- In some cases, they appear to be encouraged by their professional advisors.
- The effect is bringing the planning system into disrepute.
- The gypsies are abusing the statutory planning system to gain human rights advantages.
- The feelings in local communities are very strong/anger.
- The Government Minister, Yvette Cooper herself said (in a letter of 26 February 2004 to the Traveller Law Reform Coalition) that “it is important that the planning system should be respected and enforceable”.

2. *The Future—matters to consider for future policy development:*

- This is a national problem—not a local one; all Councils should be required to make a contribution re the provision of sites for gypsies.
- The Local Plan process—does not take adequate account of gypsies in policy development/no formal quantitative assessment of needs of gypsies.

- The Government offices are charged with looking at Local Plans/Housing Strategies and can object. But this is not happening at a strategic level.
- It is not for individual Districts to adopt ad hoc policy approaches—scope for strategic guidance on both policy approaches and spatial issues at regional (or even better sub-regional level where sub-regional body exists) to develop and enforce policies.
- Circular 1/94 should be reviewed urgently and should get the balance right between travellers and settled communities. Need to be seen to give Local Planning Authorities adequate policy direction.
- The enforcement provisions of the new Planning & Compulsory Purchase Act 2004 should have “teeth” or will be meaningless for those that have to deal with breaches.

3. *Other matters:*

- Councils should not be allowed to permit the closure of gypsy sites without referring the matter to the Secretary of State (like Playing Fields Direction).
- Utility companies should be obligated to advise Local Authorities when installing services in rural areas where no development currently exists.
- Legal aid should not be granted in cases where there has been a clear failure to follow statutory processes eg planning regime, Land Registration requirements; if legal aid is to be considered, there should be proper examination of the gypsies’ means and it should not be allowed for High Court challenges where the gypsies clearly have substantial resources of their own.

Memorandum by the Environment Agency (GTS 48)

The Agency welcomes the opportunity to comment on the views expressed at the inquiry hearing on 29 June 2004 in which it was commented that the Agency “. . . did not want to know anything about the fly-tipping issues and they passed it back to the district . . .”.

Both the Agency and local authorities have powers to tackle fly-tipping. The Local Government Association (LGA) and the Agency have entered into an agreement as to the division of responsibilities between the Agency and local authorities to ensure effective working without duplication of effort. The Agency will in general focus on tackling large-scale illegal dumping (eg more than a tipper-lorry load of waste), involvement of organised criminals in waste-crime and the illegal dumping of drums of hazardous waste. Local authorities should in general focus their efforts on smaller-scale fly-tipping and littering—such as is the case at Cottenham.

In the case of the fly-tipping referred to in evidence to the Committee, this is properly a matter for the local authority, in this case the District Council, to tackle. The Agency’s local Area office has previously worked with the District Council and has explained the Agency’s position as well as providing advice on the potential scope for enforcement action in this area. These discussions with the local authority resulted in agreement being reached with the District Council as to their lead-role at this site.

July 2004

Supplementary memorandum by the Environment Agency (GTS 48(a))

GREEN WASTES AND LPG BOTTLES

BACKGROUND

Both the Agency and local authorities (LAs) have powers to tackle fly-tipping and other forms of waste-crime. The Agency and the Local Government Association (LGA) have agreed a protocol that sets out the sorts of fly-tipping incidents that the Agency and LAs respectively will respond to. This protocol is currently under review.

In general, the Agency will deal with the large-scale illegal dumping of waste (more than a 20 tonne lorry load), illegal waste activities involving organised crime and the dumping of hazardous wastes in drums or containers with a capacity of greater than 75 litres.

In many cases, responsibility may rest with the occupier or owner of the fly-tipped land to remove the wastes. In some cases, eg publicly owned land, the local authority will remove fly-tipped wastes. The Agency is not resourced to clear-away illegally dumped wastes.

The Agency's role in tackling the dumping of green waste, large tree cuttings etc, on land across different local authority areas

In line with the protocol agreed with the LGA, at the present time illegally dumped green wastes would normally be dealt with by the local authority. In 2003 the Agency received 248 reports of incidents involving green wastes. This represents 5% of the total of almost 5,400 incidents involving fly-tipped wastes received by the Agency in that year.

In general, the pollution risk from fly-tipped green wastes is low as is the number of reported incidents, even though there will often be an amenity impact. This means that incidents of this nature would not usually be classified as a serious incident requiring Agency attendance and action.

Fly-tipped green wastes normally lack any "signature" to identify the source so gathering evidence on the identity of the perpetrator or the original owner of the waste is almost impossible, unless the dumping was witnessed directly or high quality CCTV evidence is available. This limits the scope for the enforcement authorities to take formal action.

In an effort to address this problem, the Agency works closely with others such as LAs, Police and landowners to address this problem as a whole and many area Agency offices have their own local networks aimed at minimising the impact of these activities.

To tackle cross-boundary fly-tipping, several LAs and the Agency may have to work together with the Police and others. Other local crime-prevention initiatives may play an important role in helping tackle this issue. Defra are currently consulting on proposals that could provide greater clarity over tackling a range of environmental crimes through Crime and Disorder Reduction Strategies.¹

The Agency is also currently working with Defra to explore ways of making the law more effective. Changes to the system of Registration of Waste Carriers and the Duty of Care could assist in this respect. For example, requiring those who produce and take away green wastes (eg landscape gardeners) to be registered and encouraging householders to adopt a responsible approach to having their waste removed, eg not by an unknown "man-with-van".

How the Agency is tackling the dumping of gas cylinders

In line with the Agency-LGA 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 information 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 (eg 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 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.

Environment Agency

September 2004

Memorandum by Lord Avebury (GTS 49)

I enclose a note on the problem of housing benefit and rent assessment on local authority Gypsy sites, which was referred to in evidence to the Select Committee on 29 June and 13 July.

¹ Clean Neighbourhoods Consultation Document. Defra, July 2004.

HOUSING BENEFIT AND RENT ASSESSMENT ON LOCAL AUTHORITY GYPSY SITES

In evidence to the Select Committee on 29 June 2004, Mr Ian Cairns, Gypsy Liaison Officer, Somerset County Council, said (Q230):

“Our biggest problem in managing sites is the intervention of the Rent Service where simply because we are a county council, for some undetermined reason, our sites are classed as private land and as such the Rent 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 living on unitary authority land you will get your full benefit paid. If you are on a county council 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 sites at a deficit or the Gypsies themselves are forced into hardship”.

The Committee questioned the Minister Mr Keith Hill on this matter, but he said that responsibility lay with the DWP (13 July, Q343); they were aware of the problem, and were seeking to identify solutions. The Minister agreed to let the Committee have a note on the time scale.

Under the Rent Officers (Housing Benefit Functions) Order 1997 (1987 No 1987), the housing benefit payable to Gypsies on sites owned by County Councils is limited to an amount determined by a formula in the Order, which is invariably less than the economic rent previously charged. 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 of the sites.

The Order provides that a “local reference rent” (R) is ascertained, being the mean of the highest (H) and lowest (L) rents being charged in the “locality” for occupation of a pitch on a caravan site, after excluding any rents which in the judgement of the rent officer are “exceptionally high” or “exceptionally low”. The local reference rent R is the maximum amount of housing benefit allowable.

The rents examined to give L and H are entirely those on private sites—on the grounds that these are the only open market rents—and since Gypsies do not normally live on private sites, the determination is based on the rents charged to non-Gypsies, for a level of facilities which may be quite different from what is normally provided on a Gypsy site. In some counties, notably Hampshire, the determination of L was based on holiday sites, because the rent officer there said he was obliged by the regulations to include them in the calculation. The Rent Service headquarters took the view that holiday sites should be excluded. Another problem was that on some private sites, a levy of 10% of the value of the caravan was charged at the start of occupation, but this was not taken into account in calculating L.

The “locality” within which the determination is made is not defined in the Order, but is chosen by the Rent Officer so as to contain a reasonable number of private sites. The individual whose housing benefit is being reduced by the process of determining the reference rent does not know what are the boundaries of the “locality” unless there is an appeal.

On sites owned by District or Unitary Authorities, housing benefit covers the entire rent, and there is no reference rent determination. The rationale for this difference in treatment appeared to be that since these authorities are housing authorities, they would have no interest in charging rents that were higher than necessary to cover their costs.

Registered Social Landlords, as defined under the Housing Act 1996, are also not subject to rent determination, and their tenants have the whole of their rent paid in housing benefit.

This problem was drawn to the attention of the then Minister at the Department of Social Security, Ms Angela Eagle MP, on 20 February 2001 (copy attached). Her successor Mr Malcolm Wicks MP explained in a letter of 20 June 2001 (copy attached), that

“The rent levels of local authorities [meaning district and unitary authorities], Registered Social Landlords and prescribed tenancies (listed in Schedule JA to the Housing Benefit Regulations) are either regulated, or in some other way controlled, often through subsidy, so as to be lower than the market rent. Those rents charged by County Councils are not subject to such control and are therefore subject to Rent Officer determinations, as with any other rent allowance case, and thereby restricted to a comparable open market rent, which tend to be higher as they would include an element of profit”.

The Minister appeared to say that if the rents on County Council sites were not limited by the formula in the regulations, they would include an element of profit.

On 24 July 2001, Malcolm Wicks acknowledged that there was an anomaly (copy attached), 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”.

On 22 September 2002, Mr Wicks 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”. (copy attached)

On 15 May 2003, according to Mr Wicks, DWP officials were still looking at this option, and the initial thoughts of the Rent Service were that they would not need any additional resources to extend their assessments to district and unitary sites, because they already covered private and County Council Gypsy sites and would only need to inspect each [district or unitary] local authority site once or twice a year to set values (copy attached).

On 11 November 2003, Mr Chris Pond MP wrote that while he “very much regret[s] the difficulties that the delay is causing to both the 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”.

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 the 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 of 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 Gypsy sites, which have never been said to be excessive in the past.

In the meanwhile, letting the 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 argues (8 December 2003, attached) 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 been the case on district and unitary authority sites, without any evidence that public funds have been wasted or mis-spent.

Eric Avebury

28 July 2004

Dear Ms Eagle

My attention has been drawn to a problem which has arisen with regard to housing benefit on Gypsy sites. Most of the residents on sites managed by local authorities are claimants who depend on housing benefit to pay their rent, and where the landlord is a county council, the benefit is often less than the economic rent charged by the local authority.

In the Rent Officers (Housing Benefit Functions) Order 1997, a determination could be made of the “reference rent”, which is the mean between the highest and lowest payment (H and L) a landlord could reasonably expect to obtain under an agreement for the occupation of the land on which a caravan or mobile home stands. In determining H and L the rent officer has to gather market information about all the caravan site charges in a “locality”, which is not otherwise defined in the Order. The extent of this “locality” may vary from time to time, and for different classes of dwelling, at the discretion of the rent officer, and the person in respect of whose licence a determination is made has no idea of the boundaries of the locality; nor of the sites which yielded H and L, until he appeals. Nor can he be aware of the “exceptionally high” or “exceptionally low” charges which are excluded from the calculation, again at the absolute and unfettered discretion of the rent officer.

No distinction is made between Gypsy sites and others, and no variation is allowed for the wide differences existing between sites in many “localities”. The “reference rent” is the same for a hard standing with a tap in a field, and a large plot with purpose built amenity unit and community facilities.

The Districts and Unitary Authorities which manage Gypsy sites are not affected by the Order, because they are Registered Social Landlords. Counties, however, are treated as private landlords, and the result is that occupiers of pitches on their sites now get less housing benefit than the economic charge for their occupation. Some counties may reduce the charge, and cut down on maintenance at the same time, with predictable results. The sites will fall into disrepair, and local residents will no doubt complain that the dereliction is the fault of the Gypsies.

I cannot believe that this was the deliberate intention of the framers of the Order. There is no logic in making a distinction between the occupiers of Gypsy sites, according to the type of local authority which owns the land. Would you consider making an amending Order so as to remove this anomaly?

Lord Avebury

20 February 2001

Dear Lord Avebury

Thank you for your letter of 28 March to Angela Eagle in response to Angela's of 27 March 2001, about the restriction of county council gypsy site rents within Housing Benefit.

As Angela said in her reply, rent officers define "locality" for individual claims, based on their expert judgement, and "locality" will depend on the housing market in the area. Localities have to be flexible as the market is subject to change and rent officers decisions are bound to reflect this. We are confident that rent officers have sufficient experience and knowledge of the market to enable them to carry out their functions effectively making their assessments based on the market as they find it. From 2 July, rent officers will be required to provide reasons for their decisions to enable a claimant and local authority to understand how the rent officer has made their decisions and the information they have used to support it.

You are concerned about the difference in treatment of site rents for gypsy sites managed by local authority and county council. The rent levels of local authorities, Registered Social Landlords and prescribed tenancies (listed in schedule 1A to the Housing Benefit regulations) are either regulated, or in some other way controlled, often through subsidy, so as to be lower than the market rent. Those rents charged by County Councils are not subject to such control and are therefore subject to Rent Officer determinations, as with any other rent allowance case, and thereby restricted to a comparable open market rent, which tend to be higher as they would include an element of profit.

Officials from this Department have recently had a fact-finding meeting with officials from both the DETR and Rent Service to discover the reasons behind local authority gypsy site rents being higher than the maximum rents being used in the calculation of Housing Benefit for other gypsy sites. As I am sure you will appreciate, this is a complex matter, but we will give it careful consideration.

Malcolm Wicks MP

20 June 2001

Dear Lord Avebury

Thank you for your further letter of 22 August concerning Housing Benefit and gypsy sites.

As you are aware, Housing Benefit is intended to help those on low income pay their rent to secure the occupation of their home. This has to be balanced by our responsibility to the taxpayer, in that help with that rent is kept to a reasonable level. As you realise, this is achieved in a variety of ways for the various types of tenancies that exist and where there are no built-in controls on rents, Rent Officers are used to provide a determination which reflects reasonable rent levels within the locality. The rents of Registered Social Landlords can also be referred to the Rent Officer but only where the local authority considers the rent to be unreasonably high or the property too large for their needs.

As you are also aware, it came to light over a year ago that there was a discrepancy between the way the rents for those on district and county council gypsy sites were dealt with in the assessment of Housing Benefit. I can assure you that my 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.

You suggest that gypsy sites be treated as Registered Social Landlords for Housing Benefit purposes. However, Registered Social Landlords are special cases as their rent levels are kept low by way of housing subsidy. I accept that both county and district councils are responsible bodies who are not likely to overcharge their tenants. However, it would be inconsistent to treat such bodies in a different manner to any other landlord.

Malcolm Wicks MP

25 September 2002

GYPSY SITES AND HOUSING BENEFIT

Thank you for your letter of 22 August 2002, enclosing correspondence from Lena Lee of 4 Cranham Hall Caravan Park, Wheelers Hill, Chelmsford, regarding Gypsies and Travellers and rent allowance benefits, the contents of which I have noted.

I am fully aware of the issues surrounding Gypsy site rents. Currently, Gypsies and Travellers who live on county council or privately owned sites are subject to housing benefit restrictions. Their sites attract rent allowances, and therefore are subject to rent officer controls which can discourage Gypsies from using these sites.

On the other hand, those Gypsies and Travellers who live on district or unitary authority sites where these are managed by the authority, are not subject to housing benefit restrictions as their sites are classified as "public sector" and not subject to rent officer controls.

That said, I hope you will appreciate that the Department for Work and Pensions (DWP) are in lead on rent officer controls and benefit. However, the ODPM takes an active interest as we are very conscious of the need for the existing network of over 300 sites to remain open and available for use.

Therefore, I appreciate that changes will need be required in the Rent Officer's Order and Housing Benefit Regulations, to allow the Rent Service to make determinations on local authority Gypsy site rents.

ODPM officials are currently in consultation with the DWP regarding rent controls, and both Departments hope to resolve this issue in due course.

Tony McNulty MP

26 September 2002

Dear Lord Avebury

Thank you for your further letter of 17 February about rents on gypsy sites. I apologise for the delay in replying.

As I explained in my earlier letter, my officials are currently looking at an option to change the way that rent officers determine the Local Reference Rents for gypsy sites, and in doing so ensuring that the current anomaly in the treatment of district and county council sites is addressed.

We do, of course, need to evaluate this option. To this end we have asked officials from the Office of the Deputy Prime Minister to provide what information they can on gypsy site rents. We understand that they will be seeking evidence from a variety of sources including the National Association of Traveller and Gypsy Officers.

Once we have evaluated this option we will be better able to judge its impact an the work of the Rent Service. Their initial thoughts are that they would not require any additional resources to do this work as they already cover the private and county council gypsy sites and would only need to inspect each local authority gypsy site once or twice a year to set values. This could be accommodated as part of their standard inspection/market evidence collection work.

Where gypsy sites are transferred from local authority to housing association ownership Housing Benefit becomes payable by rent allowance and rents may be referred to the Rent Officer. Housing association rents are generally excluded from referral to the Rent Officer but a referral can be made where the authority decides that the rent is unreasonably high or the tenant over-accommodated.

The Secretary of State is required to consult with representatives of local authorities on any changes to Housing Benefit legislation as well as the Social Security Advisory Committee who may well consult more widely where they consider it to be appropriate. Through this means a wide variety of views will be considered when formulating the legislative changes.

Malcolm Wicks MP

15 May 2003

Dear Lord Avebury

Thank you for your further letter of 13 November about Housing Benefit and Gypsy site rents.

I am afraid there is little I can usefully add to the previous replies from Malcolm Wicks and myself. The option to change the way that rent officers determine local reference rents for those on all Gypsy sites is not intended to ensure that local authorities do not cheat the benefit system. The purpose is to achieve consistency of treatment for all those who live on Gypsy sites. the same consistency that you have striven to achieve. To my knowledge 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. As there is presently no such check on the setting of district and unitary authority Gypsy site rent levels it is only reasonable to bring them under the umbrella of the proposed scheme in order to achieve That consistency of treatment and value for money for both tenant and taxpayer.

I am, however, grateful for your further comments and can assure that we will continue to keep the situation under review.

Chris Pond MP

8 December 2003

Memorandum by Ann S Dean (GTS 50)

MANAGEMENT OF UNAUTHORISED CAMPING

1. This Memorandum is based on voluntary work which I have done mainly with Romany and Gypsies of Irish descent on and off from 1993 onwards, because I have been horrified at the injustice of blocking off all the places where Gypsies used to camp and constantly evicting them sometimes every few days, so that many grow up illiterate. The best way and only effective way to reduce unauthorised camping is to have enough permanent legal sites with secure tenancies not licenses which allow the tenants for an affordable rent to travel when they wish to visit relatives, do seasonal work in the summer, go to Horse Fairs etc.

For Travellers who do not want a permanent site or are waiting for one Transit Sites and a greater degree of toleration are the answer as recommended in the government guidance, but many Councils are blocking off the pieces of land where Travellers were tolerated in the past.

Consequences of Extended Families

A. Gypsies live in extended families of around five to 25 usually one room caravans. They say that they would feel “lonely” and insecure or vulnerable if split up into nuclear families. (Racist attacks with fire bombs give them good reason to feel vulnerable.)

B. 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.

C. Planning law should allow for this expansion.

D. The law should NOT say that a Gypsy ceases to be a Gypsy because he is on a permanent site as only a camp site allows the extended family to stay together. Only a camp site allows the elderly and disabled to stay with their family and stay out of an expensive old people’s home.

E. If Gypsies need to be tolerated, the whole of the extended family needs to be tolerated as otherwise the sick person granted toleration will leave with the others. (It is common for the enforcement officer in charge of evictions to do the welfare checks. It would be far better if a Health Visitor or someone from the Traveller Education did them.)

2. The Save the Children Fund in its Book *No Future* and the Children’s Committee of the United Nations’ Report on the Right to Education have both said that the shortage of permanent camp sites is denying British Gypsies a proper education. (Both publications are available on the Internet).

3. Most of the Gypsies I have spoken too are desperate for a permanent site so that their children can get a proper schooling and not grow up illiterate or semi literate. Permanent family sites for five to 20 caravans cost very little to manage, so why does the ODPM not include new permanent sites in its grants and also not allow Housing Associations to provide them?

4. I also talked in 2003 with a Bargee or Water Gypsy who told me how the Waterways Board had altered the rules about moorings and how far they had to travel each day. This has damaged their children’s schooling and had driven many of them into houses. Could the Committee study this issue?

5. The facts below give some reasons why the “safeguards” in government guidance on unauthorised camping are being ignored both by many Local Authorities and by many Police forces.

6. Local Authorities do not deny that they were ordered to stop housing Homeless Families with children in Bed and Breakfast, but they do say they need not follow the guidance on unauthorised encampments. Why cannot a similarly firm order be made that they and the Police must follow the guidance not to evict school age Gypsy children for several weeks or babies under six weeks etc, or even better that homeless Travellers in priority need because of children, health problems or old age should not be offered only bricks or mortar but a far cheaper camp site?

7. A similarly firm order is needed to state that Local Authorities must obey the guidance on including the needs of Travellers in the Assessment and Strategy required by the 2002 Homelessness Act and in Local Plans and that they will not be approved without them..

8.1 Lord Avebury has listed how many Authorities have failed to carry out the requirement to include Travellers in their Homelessness Assessments and Strategies and it is difficult to understand why the ODPM refuses to enforce them.

8.2 The 1968 Act did not work because the Secretary of State seldom enforced the duty to provide enough camp sites. Now the same thing is happening with the guidance. Lewes has for many years refused to provide any sanitation on its Transit site, despite the guidance that it should. The “welfare” checks before evictions seldom include the details of school age children and evictions are seldom delayed to allow several weeks at school.

9. The guidance on unauthorised sites given to LAs and the Police by the D of E in 1894 and the 1998 DETR Good Practice Guide and the ODPM Draft Guide (and the High Court's 1995 Wealden Judgement) require the Police as well as LAs to delay evictions so medical appointments can be kept, to delay evictions each side of childbirth, and for other health problems and, most ignored of all, to allow school age children several weeks, preferably until the next half term or school holiday.

10.1 These needs of schoolchildren are widely ignored, both by the Local Authorities, the Police and the Magistrates and County Courts.

New Travellers often prefer to educate their children themselves but because of evictions Gypsies are often illiterate or semiliterate so they cannot do this. This is the main reason they give for wanting a permanent camp site with a tenancy which would allow them to travel mainly during the school holidays.

10.2 If a permanent site is not available the guidance should be made mandatory that school children should be tolerated for say a minimum of four weeks and be provided when they leave with illustrated work sheets to work on and a phone number for obtaining more.

10.3 The Planning Law that Gypsies who want a permanent site for educational or health or other reasons should not count as Gypsies, should be amended. One reason Gypsies wish to live in caravans is because they would feel "lonesome in flats or houses as this would separate them from their extended family" and force the disabled or elderly into "homes". The Housing Act says families should not be split.

11. The ODPM in the Draft Guidance says that toleration should only be granted for a certain period of time, such as until a medical problem is diagnosed and a course of medical treatment is started. This needs to be changed to comply with the earlier guidance that toleration should last for as long as the need, whether it be months or years. Otherwise great harm or even death can be caused to those with permanent health problems like angina or heart problems, or disability or old age.

12. Several Councils have evicted Travellers with these problems. One Council evicted a small Romany family from an empty field owned by the Council, although they were told the father had a bad heart. They refused to believe this, although he could have shown them medicines to prove it. The result of the eviction was that he had another more severe attack and was permanently disabled. This is just one example of Councils closing their eyes to inconvenient facts.

13. Statistically Gypsies are far more likely to be refused Planning Permission for a camp site than for a house, but the refusal is often reversed on appeal. It would be unjust to change the present system by which Travellers can live on the land with hard standing, water and sanitation while waiting for the Appeal.

14. Lord Avebury in the Lords on November 3 said that it was unfortunate that Magistrates Courts are not allowed (by Stones Justices' Manual) to consider Welfare issues, like ill health and schooling, before granting the Council a Section 78 eviction order under the 1994 Act. This turns the Court into a rubber stamp and seems to contradict the Human Rights Act and even the 1994 Act itself as it states that "illness" is a defence against eviction. The refusal of Legal Aid for Section 78 adds to the problem. Some County Courts also say only the High Court can stop the eviction. This is why the guidance to tolerate is so widely ignored.

15. It is a pity the 1994 Act applies to six vehicles not six caravans.

16. The Draft Guidance asked for suggestions on these welfare criteria.

I would suggest that although the Midwife completes her statutory duties when a baby is six weeks old, the period of toleration should be extended by a few weeks until the baby has had its first inoculations around eight weeks.

Some Midwives say no evictions should take place in the last three months of pregnancy, but if that is impossible, it should be the last four weeks not the last week or two as babies often arrive two weeks early.

They are sometimes evicted daily even from Council land, through no fault of their own by using Section 61 of the 1994 Act with no court hearing and when the police with dubious legality form a convoy which prevents them stopping anywhere until they are over the County Boundary.

17. It is discriminatory that Part 7 of the 1996 Housing Act requires Councils to provide Housing for Homeless People with children or poor health, but does not require them to provide a far cheaper camp site for Travellers, so forcing them to live on an unauthorised site where they may be evicted every few days, often without a court order.

18. The Government guidance on Travellers is widely disregarded and is only of use to the few Travellers who are able to get to the High Court. This applies both to the Guidance that Local Plans and Homelessness Assessments and Strategies should include the needs of Travellers as well as guidance on welfare issues that evictions should be delayed for several weeks if there are school age children, preferably to the next school holiday, that eviction should be delayed before and for six weeks after childbirth, for medical and dental appointments and for ill health.

19. In one extended family the children asked their parents, "Why can we only go to school sometimes and the other children can go to school all the time?" Their parents told the Magistrates that, "It was like Christmas Day for them going to school". The Magistrates had told the parents to get the children into school and come back to court two days later to see if the Magistrates would give the Council the Section 78 of the 1994 Act to move the family on. Two days later the Legal Adviser to the Magistrates, told them

that, according to Stone's Justices Manual Magistrates were not allowed to consider "welfare" issues like health or schooling as these could only be considered by Judicial Review in the High Court. The Manual cites the Dunne Case as the Authority for this, but that was a highly unusual case.

20. Also The Human Rights Act surely should require all Courts and all Councils to weigh up the "proportionality" of each eviction. That is the amount of harm caused by evicting each group of Travellers against the alleged harm of not evicting them, and instead tolerating them or, as in Norfolk, directing them to a more suitable site.

21. If the 1994 Criminal Justice and Public Order Act protected from eviction those with less than eight caravans or sleeping vehicles, it would at least allow a nuclear family to remain together. Instead, however, the cars which tow the caravans are counted and the 1994 Act only allows less than six vehicles. This can mean only two caravans. With separate caravans for parents and older boys and girls many nuclear families are too large. Numbers do matter. The furore at Cottenham is because of the huge number of 800 Travellers who have settled there. It would be unjust however if the huge numbers there led to the proposal to prevent all Travellers camping on their own land in reasonable numbers while they appeal the refusal of Planning Permission, however small the numbers. Those with less than 20-25 caravans might be considered reasonable, depending on the size of the plot.

22. Norfolk County Council persuaded smaller local Councils in Norfolk to try to avoid forcible evictions by creating a number of places where Travellers could

A serious problem with some unauthorised sites is that one family with only five to 20 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.

1994 Act. In one case on 11 September 2003, the Legal Adviser to the Justices told them that Stone's Justices Manual did not allow them to consider welfare issues as the Manual said that the Dunne case had established that only the High Court can do this by Judicial Review. This turns the Justices into rubber stamps and contradicts the actual wording of the 1994 Act that "illness" is a defence. Also the Dunne case referred to a most unique case where a Magistrate sent the High Court an argument in affidavit form (like a judicial review application) on a point not raised by either party.

Lord Avebury said of this family in the Lords on 3 November 2003 that it was regrettable that the Justices could not consider this family's circumstances and that no "Legal Aid" was allowed them as the rules say that no "Legal Aid" shall be granted for Section 77/78.

- (c) by the Council asking the County Court for Possession.
- (d) by Parish Councils claiming that they do not need to do welfare checks or go to Court. One Parish Clerk said that Solicitors told her that she did need to do welfare checks but she had not done them. Another said it did not need to.

Memorandum by the Department for Work and Pensions (GTS 51)

The "anomaly" in the treatment of Gypsy and Traveller sites within Housing Benefit (HB) exists because, while sites provided by district, unitary and county councils are widely considered to be "council sites", the HB Regulations treat them differently. Gypsies and Travellers living on sites owned by district councils or unitary authorities have their site rent met in full because their site rents attract rent rebates.

Powers in the Social Security Administration Act 1992 provide that where rent is due to a housing authority, a rent rebate is payable. As district authorities are also housing authorities, district authority sites attract rent rebates. The same goes for unitary authorities, which cover both county council and district council functions. In these cases their site rents are not subject to rent officer restrictions and HB can therefore meet the eligible rent in full.

County councils are not housing authorities and so their site rents attract rent allowances. Thus Gypsies and Travellers who live on county council owned sites have their site rent subject to rent officer restrictions. Gypsies who live on sites which are privately managed, including those managed by registered social landlords (RSLs) are also subject to HB restrictions: their sites attract rent allowances, and thus are subject to rent officer controls.

The HB Regulations are built on the premise that the rent levels for social housing which includes local authorities, RSLs and certain other tenancies are either regulated, or in some other way controlled, often through subsidy, so that they are lower than the market rent. However, in the de-regulated private rented sector rent levels are not subject to any type of internal rent controls.

Therefore claims received from those in the de-regulated private rented sector will generally be referred to the local Rent Officer by the local authority for a rental valuation to determine the HB claim. The Rent Officer will look at the level of rents within the neighbourhood as well as in the wider locality. Any subsequent restriction in the rent used to calculate Housing Benefit will reflect a reasonable rent for suitable accommodation of the appropriate size within the locality.

For the purposes of the local reference rent, rent officers are required to look at the highest and lowest rents which the landlord might reasonably be expected to obtain for private residential caravan/mobile home sites in the locality. In doing so, the rent officer disregards those rents which are unreasonably high or low. The local reference rent is the mid point between these two values. In essence, a locality is a broad area which reflects the generality of the market.

In comparing site rents, Rent Officers are required to include local private residential caravan/mobile home sites offering the same amenities and security of tenure in their valuation. As they are also required to specifically exclude the influence of HB on the market, Local Authority sites are not included as they are HB led. However, it has become evident that, for a number of reasons, site rents on district and unitary LA Gypsy and Traveller sites are substantially higher than those charged on comparable private residential caravan/mobile home sites.

We 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 HB controls to apply to all gypsy sites. We aim to get this project up and running later this month, and expect it to be reporting next spring.

We will be looking at the way that the HB rules operate for gypsy sites for the following reasons:

- County council and district council sites, both of which are effectively “council owned” are treated differently for HB purposes—this anomaly becomes even more marked in the case of unitary authorities which encompass county council functions.
- There are currently no HB controls for “rent rebate” site rents so there is effectively no control on rents for Local Authority sites.
- Gypsy site rents will not be included in the Local Housing Allowance arrangements as they are not part of the conventional market; thus there is a need to look at the rules for these sites in the context of HB reform.

Whilst any change to the HB 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.

Memorandum by the Department for Trade and Industry (DTI) (GTS 52)

NOTE FOR ODPM SELECT COMMITTEE ON ITINERANT TRADERS

Local Authority Trading Standards Services, among their wide range of consumer protection work, advise on and investigate complaints from householders about sub standard property services and those where misleading claims or price indications have been used. They will pursue these where complaints can be substantiated and traders traced. However, this work addresses all complaints of this nature and does not treat complaints against members of the Traveller community any differently from complaints against others who offer home improvement or maintenance. Equality and diversity requirements and legislation would preclude authorities from treating the traveller community any differently to anyone else.

In their market study report on doorstep selling published on 12 May 2004, the Office of Fair Trading considered the issue of cold callers offering overpriced or substandard goods or services, a high proportion of which offer property repair or maintenance. OFT recommended that the DTI should consult on a possible ban on cold calling to offer property maintenance or repairs, and the issues associated with it. Ministers accepted this recommendation and this option is included, alongside other measures to improve consumer protection, in the public consultation launched in response to the OFT report on 14 July 2004. The consultation document was brought to the attention of The Gypsy Council, National Travellers' Action Group and regulatory bodies such as LACORS.

Supplementary memorandum by the Office of the Deputy Prime Minister (GTS 01(a))

During the course of the Select Committee hearing on 13 July, Keith Hill MP committed to passing the note of our visit to Ireland to the Committee. The note is attached at Annex A.

Neil McDonald
Maria Stasiak
Bill Forrester

Annex A

Feedback from Ireland: ODPM officials' visit to Irish Departments of the Environment and Justice, Equality and Law Reform, Irish Traveller Movement, Dublin City and Fingal County Councils and various traveller accommodation sites.

The Visit—Officials from housing and planning in the ODPM undertook a three day visit to Ireland as part of the review of Gypsy and Traveller policy. The visit consisted on one day with the Traveller Law Reform Coalition and their contacts, visiting sites; one day with officials from the Irish Government talking about policy and legislation and one day with Government and local government officials visiting sites and talking about policy implementation and practice. In the course of the visit “halting” or permanent sites, group housing and “tolerated” encampments were visited and discussed, unauthorised encampment issues were also discussed. All sites visited were to the north of Dublin. The following information is indicative of what we saw, but should not be seen as anything more than informal feedback, and is, by its nature, anecdotal.

Accommodation—the majority of new accommodation provided seems to be in the form of bricks and mortar “group housing”. These are small developments of 15–30, three and four bedroom detached bungalows in which one large extended family live. These allow for a trailer to be parked and some small scale work to be carried out. They are not cheap and indications were that they cost 312,000 euros per unit. The expense of the units were explained in terms of the larger than average foot print the houses took (they were detached and had spaces for a travelling vehicle) and the amount of concrete needed to allow for hard-standings. We spoke to a number of travellers ranging from those on “tolerated” sites, to those on halting sites and those actually living in group housing. The Travellers we spoke to really seemed to like this sort of accommodation and felt the best aspect was that they were all housed with people they knew and trusted in family groups. The “halting sites” were concrete pitches with individual amenity block with bathroom and washroom facilities, and space for one or two trailers. While these were quite popular, many of the people we spoke to said they would now prefer group housing. Some sites were designed so as to allow for expansion. No one seemed very keen to move onto estate housing with non Travellers, though some said that they wouldn't mind group houses (as opposed to bungalows) if it meant that they could stay together on a site. Most sites seemed to also contain community halls with large meeting spaces, play areas and had organised activities, eg around literacy.

Legislation—the Irish duty is one to undertake a needs assessment and then to produce an accommodation implementation plan which is monitored by the DoE. It is not a duty to provide sites. There is no enforcement mechanism once the implementation plan has been produced and the Irish officials felt this unnecessary as councils tend to comply. The government assesses the implementation plans, and funds the meeting of need according to their available budget. As part of drawing up their implementation plans, councils are expected to consult with Travellers on what they need; the plans will contain details of the different types of accommodation to be provided depending on that consultation. The combination of central government funding and the need to produce an implementation plan appears to be sufficient, although the Irish Traveller Movement did comment that at the rate of funding it would be many years before all Traveller needs were met.

Access to accommodation—Ireland appear to operate system focused around the needs of the individual for new build, and appear to provide more accommodation for emerging Traveller households rather than operate waiting lists. The councils negotiate with individual travelling groups (extended families) and provide them with what they need by a process of negotiation. In the majority of cases the provision is for group houses. Once agreement on “what” has been reached, the council will negotiate on “where”, and provide the G&Ts with somewhere temporary (or tolerated) to park their vehicles while their accommodation is being built. In some cases, people who had earlier opted for halting sites were now asking for the sites to be converted to group housing and councils were actively considering this. Most sites are built in such a way as to recognise the expansion needs of families and to provide extra units on existing sites. There is wide spread acceptance of the fact that Travellers were still Travellers even if generations had not travelled—even though, interestingly in Ireland G&Ts are not a recognised as a racially distinct group, but are protected by anti-discrimination legislation.

Nomadism—none of the G&Ts we spoke to seemed keen to recommence a travelling lifestyle, though some said that they wanted to know that they could if they wanted. Some said that they go in school holidays. The council officials we spoke to confirmed this and said that the Travellers generally let them know when they would be away so that their homes could be boarded up for a short time; they were not relet. It must be recognised that the groups of people we saw were, by virtue of the fact that were in permanent

accommodation of one sort or another, or were waiting for such, much less likely to be travelling *per se*. Officials said that even children of those in group homes or standard bricks and mortar travelled for a year or two when they married.

Funding—the government officials were keen to impress on us that this was a resource hungry programme, both in staff money and land terms, both for government and councils. The currently allocate 40 million euros a year and have a small team in their DoE. Each council also has a small Traveller accommodation team. We can provide fuller details of funding if needed.

Policy—some of the Travellers we spoke to thought that there was a policy to settle them (none seemed to mind), but the government officials were keen to emphasise choice in provision and had left it to councils to negotiate with travellers on how choice was best exercised. But given the almost one to one negotiations with families, the exact needs of Travellers seem to be very well considered.

Migration—the Irish officials said that there was no formal evidence of Travellers moving over to England in on a large scale, though officials thought the two way traffic probably balanced out. On their survey they found that over 90% of Travellers surveyed had the same address one year on, which suggests low nomadism and low migration. The Travellers we spoke to thought the welfare benefit system in Ireland was more generous than that of England and didn't seem to see that as a draw, but some were under the impression that things were “better” for Travellers in England.

Population expansion—the Traveller population was expanding, with about five persons per household, but the design of the accommodation seemed to allow for this. Irish data shows that the fall in the numbers of unauthorised encampments is matched by the rise of those moving to bricks and mortar, which would tend to suggest that the flexibility of accommodation is a successful model.

Supplementary memorandum by the Gypsy Council (Romani Kris) (GTS 04(f))

PROBLEMS ASSOCIATED WITH THE “HOOLIGAN ELEMENT” AMONGST GYPSIES AS DEFINED IN LEGISLATION

Over the years, we as an organisation have seen all manner of problems being caused by that element within our community as defined in law who we have come to term the “hooligan element”, ranging from destruction of established caravan sites through to savage—and even fatal—assaults on elderly housedwellers.

Where members of this element obtain places on Local Authority sites, this can have serious repercussions not only for other—decent—families living on the sites (who tend to feel threatened and intimidated into leaving by the actions of the irresponsible few), but also for site managers, especially where such managers do not receive the back-up they need from senior officers within their Local Authority, or who find their decisions being overturned by individual Line Managers who may lack any knowledge or experience of Gypsy site management.

The case of Randy Ingram, a former site warden from Hereford and Worcester, is a case in point; because of the lack of support which he was getting from his employers—who were doing nothing to assist him to deal with the problems which were being caused by members of the “hooligan element” living on their sites—he took the County Council to court for constructive dismissal, the County settling out of court by paying him £250,000—which in part reflected the stress which their inaction had caused him and the effects to his health which this had caused.

As we have long said, management of Gypsy sites is a difficult and thankless task, furthermore one which is prone to problems arising simply because of the broad interpretation which has been applied by Local and Central Government over the years to the legal definition of a Gypsy. In legislation, Gypsies are defined as persons “of nomadic habit of life, whatever their race or origin”, although the definition goes on to exclude organised groups of Travelling Showmen or Circus people, “travelling together as such”. And whilst the courts have of late attempted to distinguish between “traditional” Gypsies and “New Travellers”, by introducing an economic element associated with travel into their interpretation of the definition, the fact remains that one can no more speak of Gypsies today as a homogeneous community than one could of the occupants of the former Soviet Union as “Russians”.

The present day Gypsy community as defined consists of a number of different groups of people, each with their own individual values and attitudes towards life, different family sizes and ways of raising children, and even different standards of social and personal hygiene. Because of these differences, it is not possible for all Gypsies as defined to live together in peace and harmony on the same sites; tensions can and do arise between members of the different groups—and even on occasion between different members of the same family groups—which if allowed to remain unchecked can quickly escalate into serious management problems. During the mid-1980s, the Gypsy Council was commissioned by the then West Midlands Metropolitan County Council to undertake an in-depth study of the situation as regards Gypsies in its area, the results of which were published in 1986. As part of its brief, the Gypsy Council was asked to consider the situation relating to incompatibility on official sites within the County, and the following examples, we feel, should make interesting reading:

- (i) In Dudley, it was stated (by Local Authority officers responsible for the management of the site) that there was a serious problem of incompatibility between the two main groups of families resident on their site, which stemmed from feelings that one group were less favoured by the Local Authority than the other. In an effort to resolve the problem, the Local Authority had tried to place the two groups apart on the site by giving them pitches at opposite ends, thereby creating a “buffer zone” in the middle of the site which the Authority filled with “neutral” families. However, even in spite of this the Authority found that regular conflict still occurred, and at one point during 1984 this conflict reached such a level that a Police presence had to be requested on site.
- (ii) The situation on the Walsall site was such that, again at one point, disputes between certain families on the site reached such a stage that shotguns were produced and the Police had to be called in.

These are just two of the many examples which we have drawn from over the years in order to illustrate to both Central and Local Government the nature of the incompatibility problem amongst Gypsies as defined, which as we have long said is not confined to any particular area alone but is a national problem, and we firmly believe that in recognition of the seriousness of this problem the Government of the day included in Circular 1/94 (on Gypsy Sites and Planning) the advice that Local Authorities should not view the fact that pitches may be available on official sites elsewhere in their area as an automatic excuse to turn down applications for planning permission for private Gypsy sites.

And whilst incompatibility between different residents of the same sites is in itself a serious enough problem, the situation becomes worse when members of the “hooligan element” are involved. Both in previous reports and, more recently, in responses to Government consultations in England and Wales, we have highlighted examples—drawn again from all parts of the country—of the various problems which members of this (thankfully small, but still significant) element can cause.

Having referred earlier in this document to the Gypsy Council’s report on Gypsies in the West Midlands, it may be of assistance to the reader in gaining a deeper insight into the overall mindset of the “hooligan element” to quote verbatim a section of a report which was furnished to the Gypsy Council by the Chief Constable of the West Midlands, dealing in particular with the experiences of officers covering the Wolverhampton divisional area. In his report, the Chief Constable said:

“Senior detective officers feel that the main problem lies with the travelling people of Irish origin. Criminal members of this fraternity use a local house as an accommodation address which is given by a large number of people in Police Custody in many parts of the country. There are specific examples of crimes committed by these travellers, houses under renovation in the Wolverhampton area have been stripped of furnishings and fittings, travellers’ children have been involved in burglaries by deception at the homes of elderly people, town centre stores report systematic pilfering by young travellers, and these children, when arrested, often give incorrect names and incorrect dates of birth which place them falsely under the age of criminal responsibility. They often maintain this deception until placed in a Local Authority home from which they easily abscond. They are well aware of the restrictions on the photographing and finger-printing of juveniles and use this to their advantage. The problem of the criminal Irish travellers has grown to such proportions that forces are now co-operating more and more to try to build up intelligence on their movements and criminal activities.”

The comments of the West Midlands Police reflect those made by ourselves in May 1981, when we published a report on the situation as regards unruly behaviour by certain elements amongst the Irish Travelling community, and submitted that report for consideration—on a strictly confidential basis—by the Steering Group (of which I was a member) responsible for supervising the Department of the Environment-sponsored research into the special accommodation needs of Long Distance and other Irish Travellers. In the introduction to that report, the comment was made that “It is our experience that Local Authorities alone and in some instances even the Police are unable to deal with the unruly element of the Irish travelling community as it is today”. Also produced for consideration by members of that Steering Group was a list of 27 sites in different parts of England and Wales which had been forced to close as a direct result of the behaviour of that section of the Travelling community.

At this stage, it would perhaps be useful to the reader to point out that not all Travellers of Irish origin are in fact involved in criminal activities, but the fact remains that there are amongst the Irish Travelling fraternity certain elements who are known to ourselves (by reputation, if not by experience) as particularly “difficult”—if not downright “dangerous” families, just as there are known to us elements amongst the English and Welsh Gypsies, and even Scottish Travelling People, who fall into this same category.

Some three decades ago, when the then Department of the Environment appointed a (possibly over-sympathetic) person to the post of Advisory Officer on Gypsy Encampments, advice began to be issued to Local Authorities that they might possibly consider opening “temporary” or “tolerated” sites—amounting on the whole to individual pieces of land, with few or no facilities—as a “stop-gap” measure until such times as more permanent official provision could be made for Gypsies residing in or resorting to their area. This experiment—based as it was on the advice which was given to the Government at the time by various individuals who had no experience of our way of life—was taken up in a number of areas, including Sheffield in South Yorkshire, and proved an immediate recipe for disaster. As we have stated on countless occasions since, both in reports and at the various conferences which we have either staged or been participants in

(either as speakers or otherwise), the difficulty with “tolerated” or “temporary” sites is that it is all but impossible for a managing Authority to keep track of the people using them, or for that matter to properly supervise their running. Thus it is (and experience has proved this to be the case) that such sites rapidly degenerate into “safe havens” for the criminal element amongst Gypsies, who are afforded anonymity by the fact that no records are kept of occupants, and because of this it has been proven time and again that “tolerated” or “temporary” sites (some of which have continued to operate for a great many years) serve only to fuel opposition from within the settled community to the provision of more permanent accommodation. One only has to look at the situation in Derby during the 1970s, where the City Council opened (and quickly closed) three such “tolerated” sites for confirmation; as a direct result of their experiences with these sites, the City Council “set their face” against any form of permanent provision in their area, and vigorously opposed all plans by Derbyshire County Council to provide a permanent site there.

In the recent past, we have seen renewed calls for the “toleration” of sites, and indeed Circular 18/94 (WO 76/94) on Gypsy Sites Policy and Unauthorised Camping carries the advice that, where unauthorised encampments occur which are not causing a level of nuisance which cannot otherwise be effectively controlled, Local Authorities should consider “tolerating” their presence (and even consider providing the families on the land with some form of toilet and waste disposal facilities); whilst we have said that this form of “toleration” would be best employed in the cases of individual families (or small family groups) who are living on their own land, but who do not have the benefit of planning permission, we remain fearful that for Local Authorities to adopt this advice on a widespread basis would lead to a return to the “bad old days”, and would significantly increase Public opposition to permanent sites being provided.

Whilst not for a moment seeking to absolve the abhorrent behaviour patterns exhibited by members of the “hooligan element” amongst Gypsies—indeed, the Gypsy Council is (as an all-Gypsy organisation) unique in its condemnation of such behaviour—we would comment at this stage that just as poor housing conditions and the creation of “sink estates” has resulted in a downturn in the quality of behaviour amongst certain elements of the settled, housedwelling community, so the harsh (and even severe) treatment which has been meted out over the years by both Local Authorities and the Police towards families who have been forced to camp illegally by the national shortfall in official sites has to some extent contributed to the breakdown—in terms of acceptable conduct—amongst certain sections of the Travelling community.

Unfortunately, this situation has to a great extent been exacerbated by the overly “liberal” interpretation which has been given over the years to the statutory definition of a Gypsy—which was arrived at by the legislators without consultation with ourselves, the Gypsies—and the various attempts during the past 30 or so years by those “support groups” and other gauja (non-Gypsy) dominated “Gypsy representative organisations” to paint a “whiter than white” picture of our community as defined in law. These people, through their often unasked-for intervention in our affairs—do us no favours, and indeed their outright refusal to accept that the Gypsy community as defined is anything but “free from sin” has in some parts of this country set back the cause of site provision, education and eventual acceptance by the settled community by a great many years.

In Cardiff, for example, the site at Rover Way was provided by the former South Glamorgan County Council—acting on the advice of one “support group” (the predecessor of the one which now exists in the city)—as a site of 40 pitches, each pitch having enough room to accommodate both the family to whom it was licenced and any visitors (ie relatives or friends) who, or so it was claimed, might wish to “visit” them.

It should be mentioned at this stage that we on the Gypsy Council were totally opposed to the provision of the Rover Way site—and also the site at Shirenewton, when it was proposed—on the grounds that it was too large to manage effectively, and the provision which was being made for visitors would lead to all manner of management problems. As we said to the County Council at the time, there were far more suitable locations in the Cardiff area which were available, and which could have been used to provide smaller, more easily managed sites. Our advice was, however, passed over in favour of that of the “support group”, with the result that the Rover Way site rapidly became an example of how not—and why not—to provide Gypsy sites. Short-term visitors became more or less permanent residents, leading to occasions when there were as many as 120 caravans on a 40-pitch site; some families allegedly “visting” the site were found to be living in the dayrooms of amenity blocks; incidents of vandalism, anti-social behaviour and incompatibility were rife; and one of the management team employed to supervise the site was shot in the course of his duty. The site was eventually downsized to 50% of its original capacity, but even as a 20-pitch site it—and its “sister” site at Shirenewton—continues to be a burden on the Public purse. At one stage, a total of 11 wardens (operating on a shiftwork basis) had to be employed to look after the two sites, and in 1992 figures supplied by the then County Council put the anticipated annual deficit (between rent received and actual running costs, repairs, etc) at £338,380. Some nine years later, in August 2001, the Cardiff County Council (which had been created following Local Government reorganisation in Wales) reported that the number of staff employed in running the sites had been reduced to six, and that the annual deficit had fallen to £225,846. Nonetheless, this sum still represents a significant annual Public expenditure, which the Council Tax payers of Cardiff continue to be expected to meet. It was also reported in 2001 that the—annual—grant given by the Local Authority to the “support group” for its work in the Cardiff area stood at £30,000 for that year alone (in 1991–92, the group received £29,800 in grant from the South Glamorgan County Council), and one therefore has to question why it should be that the two sites continue to cause problems?

Given that the “support group” referred to above has been supported financially—through Local Authority grants—for at least the past 20 years, the question has also been asked what value the local rate (and latterly Council Tax) payers have received from its involvement?

In my opinion, the problems which were experienced in Cardiff were a contributory factor towards the opposition which was shown by members of the settled, housedwelling community to the then West Glamorgan County Council’s plans to provide an official Gypsy site on land at Garth Farm, Glais; photographic evidence obtained at the time showed the extent of the protests, which included structural weakening of a road bridge across the nearby railway line and damage to the tracks.

There have, of course, over the years been all manner of individuals from outside the Gypsy community who have become involved with Gypsies out of a genuine desire to assist our families to improve their lives. As an all-Gypsy organisation, the Gypsy Council has been both conscious and appreciative of their efforts, and has wherever possible worked with these individuals towards achieving their goal.

However, it is hoped that the reader will appreciate that there are also those who see Gypsies only as a “meal ticket”, or a means of furthering their own careers or political ends, and who have over the years been responsible for turning our community into what we can only describe as a “growth industry” through the proliferation of “projects” and other “pet schemes” (many of which have been concerned with education) which have invariably failed. The involvement of these “hangers-on” and “armchair theorists” (as we have come to describe them)—and their dependence upon the “hooligan element” for individuals who they can put forward as claiming to represent—has during the past 30 or so years raised many questions as to their own adequacy as people.

How, for instance, can Gypsies as a community ever hope to reach parity with their settled neighbours whilst criminal elements amongst that same community—as defined in law—continue to terrorise the most vulnerable section amongst housedwellers, namely the elderly and infirm? In June 1987, Judge James Pickles (now retired) sitting at Leeds Crown Court described just one such group of four men then living in the Sheffield area—who he sentenced to a total of 43 years in jail—as “pitiless and brutish” burglars, who quite literally “preyed” on elderly housedwellers in North Humberside, Derby and Nottingham.

Reference has been made earlier to the difficulties which can arise on official Gypsy sites where known members of the “hooligan element” either apply for—or are successful in obtaining—pitches. The scale of such problems can be illustrated—in our opinion—by the following examples:

- (i) Over the years, the Gypsy Council as an organisation has seen a minimum of 41 official sites broken up and forced to close as a direct result of the activities of this particular element.
- (ii) Due in part to an over-sympathetic Health worker obtaining contact details for a site manager in the former County of Cleveland, the (again non-residential) manager was—according to a report published at the time by the District Council in whose area the site was located, and who employed the person concerned—“assaulted, threatened when off duty, spat upon, abused and has had personal property damaged. The police have been involved on several occasions.”
- (iii) In both Milton Keynes and Dinnington, firearms have been produced and used against individual site managers and members of their families by certain individuals resident on sites who were resentful at the fact that the managers concerned have been trying to fulfil their duties by making the sites run smoothly; in Milton Keynes, one “dominant” family living on the site made it quite clear that they were going to do whatever they liked, to the detriment of the other, decent families living on the site. That particular family took a dislike to the site manager which bordered on hatred, simply because he was attempting to exercise his authority (to the benefit of the decent families living on the site) by standing up to the dominant family. As a result of this, whilst going about his day to day duties he was attacked by three members of the dominant family who rushed at him wielding machetes, and as he turned to run away one of his attackers shot him in the back. Although the culprit was subsequently arrested, charged, and committed to prison, this was of little solace to the site manager who was both seriously injured and unable to work again due to the intimidation which was shown against him by other members of the dominant family group—in fact, the situation became so serious that he was forced to move out of the area altogether. In Dinnington, a site manager’s wife received shotgun injuries after being blasted by pellets fired through the window of the manager’s caravan whilst she was cooking her family’s evening meal. It was suggested to ourselves that her assailant was a member of a family who the site manager had refused—with just cause—to allow onto the site, and this incident proves (conclusively, in our opinion) that some people will stop at nothing to get onto a site.
- (iv) The by-pass adjacent to one of the two official Gypsy sites in Peterborough was some years ago described in the Press as “Bomb Alley”, due to the number of reported occurrences of individuals from the site dropping stones and other missiles from the footbridge onto passing vehicles.
- (v) A former manager of the official site at Oil Street in Liverpool, who was resented by one man who was living there at the time and who wanted to do things his own way and not live by the site rules, found himself arrested by the Police and charged with indecent assault after the site resident concerned cajoled his own 12-year-old daughter into bringing a complaint against the manager. It was only after the child’s mother—in an effort to spare her daughter the ordeal of being cross-examined in court—made a statement to the Police that her husband had forced the child to lie

to the Police that the case was dropped. However, by that time the damage had already been done, in that the manager's attitude towards Gypsies had been irreversibly coloured, and to our knowledge he never again took up another site management post.

- (vi) It has been reported to ourselves in the recent past that one person appointed by a Local Authority in the Teeside area as a site manager was in fact "run off" the site by certain residents who were resentful that any form of order might be brought onto the site upon which they were living.
- (vii) During 1990, North Bedfordshire Council had to close its site at Cut Throat Lane (now known as Fairhills Park) as a result of escalating damage (later estimated at tens of thousands of pounds to repair) by members of the "hooligan element" who had taken up residence on the site, and also an incident where one youth on the site attempted to sever a female Police constable's legs with a scythe. That incident arose as a result of one man from the decent element on the site standing up to the head of the "problem" family (who it was reported in the local Press were "bullying" the other site residents; the man concerned was severely beaten, and forced to flee the site with his wife and family, leaving their caravan behind. That caravan was then "torched" by the family from the "hooligan element" and the Police were called to the site. It was at that time that the "hooligan element" attacked the Police and the youth (in fact the son of the head of the "bully" family) swung a scythe at a female Police officer's legs. Fortunately for the officer concerned, she managed to block the scythe with the door of her panda car, and the riot squad were called in to quash the violence against the Police.
- (viii) In the past decade, residents on the official site in Bolton have been reported in the local Press as calling for firmer management on that site, as a result of their disgust that members of the "hooligan element" living on the site were being allowed to get away unpunished with making their lives a misery. It has been claimed to ourselves by decent families living on the site that the site manager is "too terrified" to try to exert any authority over the "hooligan element" and as a result of this the site has been closed twice.
- (ix) Direct experience of both a Liaison Officer employed by Somerset County Council and the former Advisory Officer on Gypsy Encampments for the then Department of the Environment (the latter sadly now deceased) on sites which they had driven onto unannounced was that their vehicles had almost immediately been surrounded by people who then tried to overturn them—on both occasions, it was only our intervention which prevented both situations from escalating into more serious assaults.
- (x) During the late 1980s, members of the "hooligan element"—supported and encouraged by a self-confessed political activist and her entourage—moved onto one of the official sites in Bradford, West Yorkshire, where they immediately exerted pressure on the decent families to leave the site. As a result of the widespread damage caused to facilities on the site and elsewhere in the locality, the local Press did in fact refer to those responsible as animals.
- (xi) In South Wales, a female site manager found herself being followed in the street by members of one family amongst the "hooligan element" who pestered, threatened and otherwise cajoled her in an effort to obtain a pitch on one of the sites in that area; the family in question were to our knowledge not even from the area, but had moved into Wales from the West Midlands, where they were known as troublemakers. When the female site manager refused to allocate the family a plot (on our advice), she and one of her daughters were fortunate to escape serious injury following the hurling through her caravan window of propane gas bottles. The leader of the family group concerned also, issued threats to kill the site manager concerned, as a result of which the Police were involved and criminal proceedings were duly brought.
- (xii) The same female site manager, who unfortunately "inherited" a number of "problem" families from the Local Authority concerned, who had done nothing to abate the nuisance which those families were causing through their repeated breaches of site rules and conditions, was also threatened with violence (as were other members of her family) and even assaulted by individual site residents from this element, some of whom additionally exposed themselves to her and one of her daughters and made lewd (sexual) comments; furthermore, various anonymous telephone calls were made to one officer of the Local Authority suggesting that both the manager and one daughter were active prostitutes.
- (xiii) There have for a great many years been problems experienced on the official Gypsy site in Wakefield, and in the past decade Hampshire County Council had cause to approach the Gypsy Council for its support in acting against members of the "hooligan element" who had occupied one of the official sites in the County's area—that site was subsequently closed as a result, and unfortunately because of the County Council's experience it has not yet re-opened, even though we ourselves have offered to become directly involved in its management.
- (xiv) In Hertfordshire, certain members of one faction of the "hooligan element" "who were in a long-running "feud" with members of a different faction left the site to travel to Ireland, where a funeral was taking place; the Gardai—who had been "tipped off" by the Police in England—

uncovered a pump action shotgun and a small handgun hidden in a car, and also seized a variety of other weapons (amounting to over 200 in total) from different vehicles which, we were later given to understand, would have been used to possibly lethal effect.

- (xv) Again as a result of the problems which have been experienced over the years by unruly behaviour amongst a certain element using its sites, Kent County Council has—on consultation with certain of its District Authorities—formulated a protocol for the closure of sites.

As Gypsies ourselves, living from day to day on caravan sites populated by other members of our community, we are able to surmount these problems; the difficulty is, of course, that were we to attempt to resolve problems in the way in which they might perhaps best be dealt, we would lay ourselves open to allegations of “Mafia” tactics (as have already been laid against us by one “support group”, who consequently were ordered by the court to pay damages for libel), and therefore it is necessary to involve the Police where threats (or actual occasions) of physical violence against management personnel arise.

It should, perhaps, be mentioned at this juncture that we ourselves are directly involved in the management of some 20-plus official Gypsy sites on behalf of Local Authorities in different parts of England and Wales, and that we therefore speak from experience when discussing this particular subject.

Individual Local Authority officers, on the other hand, may experience great difficulty in managing sites, especially if they find that their decisions—which, on the whole, are based on experience and knowledge which has been built up over the years they have been in post, which has for the most part been augmented through liaison with ourselves—are being undermined (if not openly countermanded) by senior officers and Line Managers who themselves lack any “grass roots” knowledge or experience of the subject matter and who, therefore, can easily be “swayed” by the “public” face which is presented to them by individual families whose behaviour—once admitted to sites—can rapidly turn from acceptable to reprehensible.

The major problem for site managers—particularly those employed by Local Authorities—is that the Police are unable, due to lack of resources and above all manpower, to afford them 24-hour protection. As the situation stands, the Police can only become involved when incidents occur. Returning for a moment to the Milton Keynes situation as referred to above, incidents of threats, intimidation and assaults on the site manager had been previously reported to the Police on no fewer than three separate occasions, as a result of which the Police attended the site and warned the individuals concerned about their actions—but as it can be seen, these warnings did little to prevent the site manager from being attacked again, or shot in the back.

It is, perhaps, little wonder that—faced with incidents such as those mentioned earlier—it used to be a common occurrence amongst site managers for one to say to another “After you with the nervous breakdown”.

One other problem which affects all site managers is caused as a direct result of legislation affecting pitch licences. As the situation stands, residents facing eviction have to be given a 28 day Notice to Quit the site, following which an eviction order can be enforced, but during that 28 day period experience has shown that extensive damage can be done to sites (including the site being wrecked completely), and decent families can be driven off sites never to return again.

This is why we firmly believe that site management is best left to site managers, who are in the best place to make decisions and who furthermore have good reasons for making decisions which may be seen as “unpopular” or “unfair” by individual aggrieved parties.

Finally, the comment has to be made that the examples quoted earlier are but a few which we have drawn from our own extensive files to illustrate the many and varied difficulties which individual site managers—and we—have to deal with. As will be seen from the range of locations quoted above, the problem with the “hooligan element” is a national one, which demands being addressed urgently on a national level. Given the current situation in this country, it is all too easy for members of this group to move out (or be evicted from) one Local Authority’s area into another part of this country where they are not known—usually “hitching up” with a support group (who take them at face value) in the process—and for the whole cycle of vandalism, intimidation, violence and criminal behaviour to start again.

Hughie Smith

President, The Gypsy Council (Romani Kris)

August 2004

Supplementary memorandum by the Local Government Association (LGA) (GTS 38(a))

Thank you for inviting the LGA to give oral evidence at the recent select committee session on 13 July 2004 examining issues around site provision for Gypsy and Traveller communities.

I am writing to draw to your attention a few issues in response to discussions arising during the evidence session.

Firstly, in terms of the how site provision for Gypsy and Traveller Communities should be taken forward—I hope we made our position clear, particularly with reference to re-instating a statutory duty. I would like to re-iterate that we believe that this should be undertaken as a collective responsibility upon authorities to plan and make provision based on need and ability to provide. For instance, there may be some inner city urban areas where it may not be possible to locate sites for provision.

Secondly, in Keith Hill's oral submission to the committee, he stated that research undertaken by ODPM indicates "that rather 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 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.

Finally, I would like to respond to the suggestion implied during the session that the LGA has been remiss in its duties in providing training and guidance for authorities on issues such as good site management and site design. As well as the further charge made by Mr Cummings that the "LGA has done absolutely nothing about anything."

I feel it would be extremely unfair for the committee to be left with this impression. The LGA is, as you are aware, a national policy and lobbying organisation working with and on behalf of local government. We do not as an organisation directly provide training for councils and members.

Furthermore, we have invested considerable time and resources in relation to this issue, which we believe it is important for the committee to note:

- As a member of the ODPMs Gypsy and Traveller steering group we have assisted with the production of both their recent framework and operational guidance on managing unauthorised encampments. The LGA consulted widely with authorities in producing its response to both the framework and operational guidance which included the suggestion that the Guidance needed to be strengthened to consider ways in which better relationships and community cohesion can be fostered between settled and Travelling communities.
- We have held a series of roundtable events with authorities on Gypsy and Traveller issues to discuss issues around site provision, managing unauthorised encampments. Some meetings were also attended by Gypsy and Traveller Groups and ODPM.
- A Conference Gypsies and Travellers: Moving forward on Policy and Service Provision was held in March 2003. It provided an update for authorities on key policy developments in the area. It also highlighted good local authority practice, focused around ways to improve access and services to Travelling communities and to developing effective site provision and management.
- Liaised and worked with the CRE and Institute for Public Policy Research to help shift the debate from Travellers being viewed as a "problem" to considering how Traveller issues could be addressed within the context of the wider mainstream equalities agenda.
- Produced and widely communicated an LGA position statement on Traveller issues based on cross-party and executive support. Members of the Planning Executive have produced articles and undertaken a range of media interviews on the subject.

We will continue to undertake further work in this area, most notably by contributing and assisting ODPM in their forthcoming revisions to Circular 1/94 and by consulting with local authorities on their views.

Following our annual conference, where we facilitated further discussions with councils on site provision issues 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.

We hope that these issues will be taken into account as the committee makes its final conclusions and recommendations.

CIr Susie Kemp

Chairman of the LGA Planning Executive

Supplementary memorandum by the Traveller Law Reform Coalition (TLRC) (GTS 12(e))

SOME GENERAL POINTS ON CONSULTATION BETWEEN THE GOVERNMENT AND THE GYPSY/TRAVELLER COMMUNITY

The Office of the Deputy Prime Minister has been more open and inclusive in the past year towards Travellers and there have been a host of meetings/events at which the GTLRC has co-operated/worked together with the Government and this is something to be applauded.

However, communication has at times been haphazard, eg the site visit by Yvette Cooper MP involved no less than four changes of time/date. The GTLRC understand that pressures of parliamentary business lead to such occurrences but we were willing to be flexible and accommodated these changes, we feel though that the ODPM does not always reciprocate such flexibility and realise how limited our resources are or how limited our experience is of liaising with Government departments.

At times the Government's attitude has been cavalier. On two occasions meetings were cancelled at the last minute with Barbara Roche MP then minister with responsibility for social inclusion. A promise was made by officials to reschedule the meeting but this never took place. Meetings were also cancelled at the last minute with the then health minister Beverly Hughes and her successor. Again attempts to reschedule the meetings were not successful. Also Gypsy/Traveller groups were not always directly contacted about important consultation exercises on planning etc, which impact greatly on the life of Gypsies and Travellers.

Occurrences such as this may be a reality of political life. We also recognise that some Civil Service departments are under-resourced and staff are under considerable pressure but occurrences such as those outlined above are very demoralising to the Gypsy/Traveller community and reinforce perceptions that politicians/civil servants are not interested in them.

A major plank of the Government's consultation with Gypsies/Travellers was the ODPM policy review. The policy review started in the autumn of 2003 and the GTLRC argued that a starting point should be discussions with Gypsies/Travellers in order to help form some of the avenues of investigation. However, wider consultation did not take place until January 2004 which saw the start of a seminar series. These were not as extensive or thorough as they should have been. It was recommended that the summaries of the seminars be put on the ODPM website to facilitate wider debate but this did not take place. At the GTLRC conference, which was to feed into the policy review, only one civil servant, Bill Forrester, attended.

The Government has introduced legislative proposals, namely the eviction powers incorporated in the Anti Social Behaviour Act 2003 and the temporary stop notices powers in the Planning and Compulsory Purchase Act 2004, in the late stages of the passage of these Bills, this did not facilitate full debate in Parliament never mind with the wider community. Both these sets of legislative proposals drew concern from the Parliamentary Joint Human Rights Committee. We understand though that in response to an intervention from Lord Avebury, Lord Rooker (ODPM Minister of State) conceded that temporary stop notices would be subject to regulations which will be drafted following consultation.

In spite of these critical comments the GTLRC does appreciate the interest expressed by Yvette Cooper MP, Under Secretary of State at the ODPM, and does believe that aspects of the consultation process have been very rewarding, especially the interest and involvement which is taking place for Gypsies/Travellers new to policy formulation. This is an exciting development which has achieved more in this area than hitherto under other governments. However, we feel that this is a starting point, and consultation must not end here but continue and be developed in a way which further raises the level of political inclusion for Gypsies/Travellers.

It is apt during the policy review that we also call for consultation and dialogue to be improved. We believe the following would help:

1. A Task Force, including Gypsy/Traveller representatives to assess policy/input into policy formulation.
2. As was recommended by the Cripps report in 1977 a civil servant should be in post who reviews legislation/policy across departments and assesses the impact on Gypsies/Travellers and facilitates input from Gypsies/Travellers.
3. As recommended by the Institute for Public Policy Research, a Civil Service unit to be established, similar to the rough sleepers unit, with a grade four civil servant heading it and a Gypsy/Traveller steering group afforded input.
4. Gypsy/Traveller groups to be contacted directly when relevant consultations take place (we made this request to David Gleave a senior civil servant in December 2003).

Memorandum by the Home Office (GTS 53)

TRAVELLERS DATABASE

This paper sets out the Home Office position regarding the Chief Constable of Suffolk Constabulary's (Alastair McWhirter) suggestion for setting up a database to track those individuals who commit crime, cause damage to the environment and avoid VAT or Income Tax.

2. Alastair McWhirter, Chief Constable of Suffolk Constabulary and ACPO lead on Gypsies and Travellers has suggested a cross-cutting information system which would allow multi-agency access to information for those who are involved in unauthorised camping and who cause damage to the environment, commit crime, avoid VAT or Income Tax. The aim of the system would be for the police, local authorities, the Environment Agency, Customs and Excise, Inland Revenue and Trading Standards to share information.

3. We have been carefully considering the need for such a database. As the courts have ruled that discrimination against Gypsies and Irish Travellers is unlawful racial discrimination, it is therefore important that any database should not exclusively target members of these ethnic groups.

4. However, Project “IMPACT” will deal with the issues identified by Mr McWhirter. IMPACT is the programme of work to meet two of the 31 recommendations made by Sir Michael Bichard that there should be a national intelligence IT system for the Police in England and Wales (Rec 1) and that investment should be made to secure the future of the Police National Computer (Rec 4). The name stands for Intelligence Management, Prioritisation, Analysis, Co-ordination and Tasking. The four key elements to the proposed new system are:

- *Data Sharing*: All Police Services in England and Wales will be able to share the intelligence and information they gather as part of their day-to-day policing, investigations and special operations. This data will be taken from forces’ own local systems and stored in a common format which can then be searched within each force, between forces and nationally. The National Centre for Policing Excellence is working with the Association of Chief Police Officers, the Home Office and other partners to draw up a Statutory Code of Practice as to how this information should be gathered, stored, searched, retrieved and weeded.
- *Intelligence Analysis*: Leading edge tools to link intelligence information in ways which are meaningful to the prevention, detection and solution of crime—locally, regionally or nationally. This will provide the tactical and strategic input into forces’ use of the National Intelligence Model.
- *Tasking, Briefing and De-Briefing*: Applications to take analysed intelligence and use it to prepare operations and policing action, with feedback on outcomes.
- *Record Keeping*: The new PNC will contain more information on criminals and greater functionality to handle, for example, Anti-Social Behaviour Orders. Its usability will be improved to reduce bureaucracy and speed up enquiries. It will contain the special registers (Violent and Sexual Offenders, Firearms etc) and integrate with the wider community of criminal justice and law enforcement agencies. Then the police will be able to couple criminal intelligence with up-to-minute records on offenders, available across a secure network where every access to data is appropriately authorised and fully audited.

5. Responsibility for delivering IMPACT has been accepted by the Home Office, along with the Association of Chief Police Officers and advised by the Police Information Technology Organisation. The aim is 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 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.

6. Project IMPACT should assist forces and reduce the need for a separate database on Travellers. It will enable:

- *Datasharing*—Forces will be able to carry out searches of each others databases and discover intelligence carried on individuals.
- A Traveller can be tracked via intelligence reports across force boundaries.
- All Force Intelligence Reports will be available quickly and easily via a search function.
- An enhanced ability to tackle national, regional and local crime across force boundaries in support of the National Intelligence Model.

Home Office

September 2004
