

The Gypsy and Traveller Law Reform Coalition Response To The Draft ODPM Race Equality Scheme 2005 - 2008

The Gypsy and Traveller Law Reform Coalition (G&TLRC) is an alliance of Gypsies, Irish Travellers, New Travellers and other travelling groups who have come together to promote the Traveller Law Reform Bill and policies to increase and improve site provision. The G&TLRC Was awarded the Liberty human rights award in 2004.

The Draft ODPM Race Equality Scheme 2005 - 2008 is an action plan on how the ODPM will achieve its commitment to equality issues in its work. The G&TLRC wishes to make the following points.

The ODPM and the Race Relations Act

Page 9 " The duty aims to make race equality a central part of the way public authorities work by putting it at the heart of policy making, service delivery, regulation and employment practice".

It is the experience of many Gypsies and Travellers that many local authorities discriminate against Gypsies and Travellers. 90% of planning applications by Gypsies and Travellers fail as opposed to a 20% failure rate for the settled community.

An investigation carried out by Liberal Democrat peer Lord Avebury noted the Homelessness Act 2003 granted Gypsies and Travellers specific rights but that many of the 157 councils surveyed were failing to recognise these. Nearly 70% of 152 authorities whose strategies were examined failed to mention travelling communities.

Lord Avebury said "Local authorities which experience unauthorised encampments of travellers need to recognise the fact that any person living on an unauthorised site is homeless in law".

Trevor Phillips, chairman of the Commission for Racial Equality, said: "Across pretty much every index of deprivation, Gypsies and Travellers are particularly disadvantaged. "We therefore welcome this research as it highlights the way in which Gypsies and Travellers are consistently overlooked by policy makers in local government."

The ODPM needs to be vigilant in its work with local authorities and challenge councils that fail to deliver services that Gypsies and Travellers are entitled to. The ODPM must intervene where possible as it has done recently with the case of Brentwood Council which had refused to identify land suitable for Gypsy and Traveller sites and has now been instructed by the Secretary of State to do so.

Assessing and Monitoring Policies

Page 12 states "Public consultations are, in most cases, an essential part of policy development. They provide officials with necessary feedback on proposals for legislative change or other new initiatives, thus informing the Government's decision making process. Approved back in January 2004 and supported by the Prime Minister, all departments are now expected to follow the code of practice on written consultations".

We would like to emphasise that large sections of the Gypsy and Traveller community are illiterate or semi literate and do not have access to computer technology or information networks. In order for ODPM consultations with this community to be fully inclusive there is a need for the ODPM to endeavor where possible to develop audio visual consultation material and have face to face meetings with representatives of the Gypsy and Traveller community. We note that the code of practice on written consultation states that there must be a 12 week public consultation process on written consultations but this does not seem to have been the case with the recent draft guidance on accommodation needs assessments for Gypsies and Travellers.

Strategic Priority 1

Page 14 states that the Neighbourhood Renewal Unit's (NRU) Race Equality Action Plan was published in March 2005 and sets out the priorities and milestones in terms of the NRU tackling race inequalities. The G&TRC was not circulated with this action plan, we ask that the NRU and other sections of the ODPM in future circulate us consultation and action plans connected to race issues that they are circulating.

Page 16 states that the NRU is working to reduce inter - ethnic community conflict in high risk areas and developing conflict resolution models at a local

level and training programmes for partnership on understanding and resolving conflicts.

The G&TLRC wishes to state that there has been a serious rise in tension between the settled and Gypsy and Traveller community as a result of unauthorised encampments and developments caused by the national shortage of sites and media distortion of this issue which promotes negative stereotypes.

The G&TLRC has been successfully engaged in conflict reconciliation in places like Cottenham, however we lack the resources to initiate such work on a wider scale. The NRU should assess its conflict reconciliation work and determine if it is addressing tensions between the settled and Gypsy and Traveller community and whether its work in this field can be transferred to other sections of the ODPM and Government agencies who could play a role in conflict reconciliation in this area.

Page 17 refers to research into the causes of homelessness by the NRU amongst people from ethnic minorities. The G&TLRC was not made aware of this research and hopes it will be consulted and that the research does consider the plight of homeless Gypsies and Travellers many of whom are locked into a cycle of constant eviction. Furthermore, when alternative accommodation is offered it is unsuitable as many Gypsies and Travellers have an aversion to 'bricks and mortar' accommodation, which is the standard form of accommodation offered to such homeless Gypsies and Travellers.

Page 19 makes reference to the study by the Social Exclusion Unit into frequent movers including a consideration of the exclusion suffered by Gypsies and Travellers. We are pleased to note that the SEU has met a large number of Gypsy and Traveller groups. We hope the study will give due attention to the impact of forced eviction and the welfare implication this has. In particular the research should look at the health and safety implications of forced evictions by bailiffs firms. We are deeply concerned at the levels of force and use of heavy machinery to demolish sites on which residents are still present whilst dangerous demolition work is taking place.

The Social Exclusion Unit should consider how Gypsies and Travellers who are extremely excluded can receive support and training in

accessing services and their rights in the surrounding community and coming to terms with everyday bureaucracy, which for some can be baffling and complex.

Strategic Priority 2

Page 22 of the draft scheme refers to Government Offices (GOs) which manage local and regional relationships on behalf of central Government. We hope that such offices will play an active role in promoting site development and tackling community tensions. We note that some GOs will have specialist officers working specifically on Gypsies and Travellers. However, we gather that no such officers will be based in the north - we are concerned by this as there are serious issues affecting Gypsies and Travellers that need to be actively tackled not just in the South and East of England.

As stated the ODPM are creating a number of regional posts to promote the delivery of new sites, encourage effective use of enforcement powers, tackle anti-social behaviour, mainstream the provision and management of Gypsy and Traveller accommodation with that of bricks and mortar housing through the housing and planning systems.

We are concerned that the recruitment of such posts is being confined to civil servants and local Government employees. Given that the need for the posts and the new assessment and delivery policy arises because local authorities have not followed circular 1/94 for the last 11 years somewhat undermines the argument that only an employee of such an authority could do the job. Also many with expert knowledge of the community could be excluded by such restrictions.

Strategic Priority 3

Page 31 provides information on the National Community Fire Safety Centre Campaign Strategy (NCFSC) which is to increase public awareness of fire safety and tackle inequalities related to fire risk, including consideration of ethnic minorities more vulnerable to the risk of fire.

In terms of targeting a key ethnic group vulnerable to the risk of fire we believe a major focus should be placed on Gypsies and Travellers. The report 'The Provision and Condition of Local Authority Traveller Sites in England'

(2002, Pat Niner), which was commissioned by the ODPM noted many local authority sites have poor site facilities. Niner (2002, page 19) estimated that 4 out of 10 pitches contravene fire and safety regulations. Furthermore, anecdotal evidence suggests it is impossible to secure fire insurance on such.

All sites should meet the Fire & Safety Regulations and come under the Mobile Home Act

for the Mobile Home Parks, with fire extinguishers placed at strategic points around the sites and water hoses, fire bells and emergency telephones. There should be a fire equipment inspection each year to gain the certificate needed. The fire fighting equipment on many sites at the moment is either non-existent or in a very poor state. On some sites they may have one fire hose to service around 20/25 pitches which is clearly highly unsatisfactory. This should be a priority area of action for the ODPM as at present many Gypsy and Traveller families are at considerable risk from fire.

Strategic Priority 4

Page 36 declares that the Government wants to offer as many people as possible the opportunity to own a home, this will include using public sector land to provide affordable homes and ethnically inclusive homebuy proposals.

The G&TLRC hopes that public sector land will be made available to Gypsy and Traveller families that wish to live on land they own and that homebuy proposals look at means by which Gypsy and Traveller families can take out mortgages on land they own. In the past such families have been disadvantaged by the mortgage system as lenders have been loathed to extend such credit to Gypsies and Travellers.

Page 38 states that Gypsy and Traveller accommodation needs will be mainstreamed to ensure that this disadvantaged group is treated on an equal footing with the settled community. The report is right to note that greater site provision will improve community cohesion and tackle tensions caused by a shortage of sites.

The report notes that Gypsies and Travellers will receive support from funding and delivery mechanisms for other socially disadvantaged groups.

We are aware that Housing Corporation money is to be made available to Registered Social Landlords (RSLs) to provide sites. However, we gather that to date there is not great enthusiasm by RSLs to develop sites. If Gypsies and Travellers are to have equality with other disadvantaged groups the Government must greatly increase its efforts in promoting such schemes to RSLs. If necessary the Government should adopt the proposal from the Institute for Public Policy Research (Moving Forward, Heaven Crawley, IPPR, 2003) for the establishment of a national RSL to deliver such site provision.

If Gypsy and Traveller accommodation is to be mainstreamed and afforded equality with the settled community it is also imperative that Gypsies and Travellers are given the same security of tenure as occupants of mobile park homes. At present residents on sites have limited security of tenure and this creates great despondency and alienation.

Page 38 also draws attention to the new Gypsy and Traveller Planning Circular due in the autumn. Councils have to identify land for site development and the proposal is backed up with powers of intervention. The ODPM must intervene where possible as it has done recently with the case of Brentwood Council which had refused to identify land suitable for Gypsy and Traveller sites and has now been instructed by the Secretary of State to do so.

A recent statement by Jim Fitzpatrick MP in the adjournment debate initiated by John Baron MP gave the impression that the government proposals did constitute a kind of duty. We feel the Government needs to start clearly saying that they had introduced a duty. Indeed Michelle Banks of the ODPM Gypsy and Traveller Unit recently indicated that it was the belief of ministers that the new powers and responsibilities did constitute an obligation. We hope that a clear statement on this will shortly be made to the public.

It is longstanding G&TLRC policy that the Government's proposals need to be supported by a statutory duty on councils to provide and facilitate sites.

The G&TLRC is greatly concerned about the Government's proposed delivery mechanisms for transit sites.

The European Court of Human Rights stated in its judgement on the case of *Connors V UK* (page 41).

"An unknown proportion of *Gypsies* and other Travellers still actively travel whether throughout the year, seasonally or on special or family occasions. Those who travel throughout the year may have no fixed base at all. There is little formal provision to accommodate Travellers and their trailers while on the road. There are just 300 transit pitches provided on local authority sites. Recent *Gypsy* counts have shown roughly 10 times as many caravans on unauthorised encampments. Even taking into account the unknown number of private transit pitches, it is clear that 'nomadism' is currently mostly accommodated informally and often—from the viewpoint of both the settled community and Travellers—unsatisfactorily".

New powers in the Anti Social Behaviour Act 2003 give the police increased eviction powers where local authorities are able to provide alternative site pitches or stopping places. It is our belief that because of the limited grants for such provision that if new sites are provided they will be substandard in terms of facilities. Some families will not want to move to sites they are directed to because of their concerns about how they will be received by other travelling groups. Some families will merely take to the road if directed to move on. This could mean a process where families are constantly moved on from one borough to another, unable to return to the previous authority for three months because of the risk of the imposition of the large penalties, which are incorporated into the new powers. Such a scenario will inject a high degree of instability into the lives of many *Gypsy* and Traveller families. We are very fearful of the impact upon families in terms of their health and access to services, which for many such highly nomadic families is already an area of critical concern.

The Parliamentary Joint Human Rights Committee in its recent report stated

"(113) In our scrutiny of the Anti-Social Behaviour Bill during its passage through Parliament, we raised concerns that these provisions gave rise to a significant risk of incompatibility with ECHR rights, in particular the right to respect for private life and the right to peaceful enjoyment of possessions. We reiterate that concern here. We also consider that, given the disproportionate impact of the measures on the *Gypsy* and Traveller community, there is a significant risk that they could be implemented in a

way that is indirectly discriminatory in breach of CERD. These considerations should be central to implementation of these powers, the application of which should be monitored to ensure against discrimination".

The report *Gypsy/Traveller Sites in England*' by Pat Niner of the University of Birmingham has shown that there is a need for the provision of between 2000 and 2500 additional transit pitches by 2007. With two years to go before this target date and virtually no transit sites as yet created this target will clearly fail to be met. The G&TLRC believes that the Anti Social Behaviour Act has clearly failed to provide the incentive needed to provide the greatly needed new transit sites. Also the refurbishment grant of eight million pounds, which is to be divided between the cost of refurbishing sites, creating new residential and transit sites is completely inadequate for the job that needs to be done even if doubled as is now proposed.

Page 38 also mentions that a new Gypsy and Traveller Unit will be set up in the ODPM, which will lead interdepartmental work and help encourage social inclusion and monitor the effectiveness of new policies. The G&TLRC would like to see a Taskforce created, which would contain Gypsies and Travellers and other stakeholders. The Taskforce would advise the new unit and help it monitor new policies and could contribute to the cross community consensus that many would like to see in this policy area. It should be noted that the ODPM Select Committee in its 2004 report on Gypsies and Travellers supported this call. In its response the ODPM stated that they felt this proposal was not as yet clearly set out. It is disappointing that the ODPM has not sought to gather more information on this proposal or directly and in detail responded to a note sent to the ODPM last year on this subject. (see appendix)

Page 40 states that Regional Planning Bodies and Local Planning Authorities will have to produce statements of how they will engage the community, including ethnic minority (and hard to reach) stakeholders. Gypsies and Travellers because of their exclusion very much constitute a hard to reach group. However, it should also be noted that local authorities and other agencies have in the past made little effort to gather their views. The G&TLRC strongly feels that there is a need for the ODPM to fund at least two full time posts to be hosted by Gypsy and Traveller groups to train, support and assist Gypsies and Travellers to effectively input into local and regional consultation processes.

Strategic Priority 5

Page 43 declares that it is part of the Government's strategy to bring all social housing into decent condition by 2010. It should be noted that many local authority sites have poor site facilities. Niner (2002, page 19) estimates that 4 out of 10 pitches contravene fire and safety regulations. Only 4% of pitches have a child play area and only 15% a clothes drying area. Niner (2002, page 20) found that on 16% of sites the amenities blocks were judged to be poor, 18% were in a poor decorative condition and that 3 out of 10 amenities blocks were less than the recommended 9 square metres. These factors create difficulties for Gypsy and Traveller families in carrying out domestic tasks.

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

Some sites at the moment have only two/six toilets in a block to service 20/30 families causing serious health problems. Often such toilets are substandard and not adequately maintained by the local authorities or other landlords. The G&TLRC is also concerned that families are paying high rents on local authority and private and transit sites for facilities that are less than adequate and not up to standard.

The eight million pound refurbishment grant even if doubled as is proposed is inadequate to deal with the backlog of maintenance and repair especially as this small sum has to be divided between refurbishment and the creation of new residential and transit sites. We would expect to see the basic standards to be introduced as part of the 'Decent Homes for All' scheme also extended to Gypsy and Traveller sites including those run by Registered Social Landlords. All sites should be upgraded to bring them into the 21st century. Each pitch should have its own toilet block be it residential or transit. There is a need for a clear duty on all site owners to bring the Private Residential and Transit sites up to standard and regular and thorough inspections are needed.

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Winners of the Liberty Human Rights Award

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