

A Submission By The Traveller Law Reform Coalition To The Standing Committee Of The Office Of the Deputy Prime Minister For The Housing Bill

Recommendations

- 1/ Gypsy and Traveller accommodation needs are as justified and as important as any other person's and should be identified and catered for in government plans
- 2/ The government should introduce a statutory duty to provide or facilitate sites.
- 3/ Housing Corporation money should be available for Traveller site construction and the grant for site refurbishment should be increased.

The Need for Traveller Law Reform

In 1994 the 1968 Caravans' Act was repealed under the Criminal Justice and Public Order Act, which ended the duty on local authorities to provide sites. At the same time the Government stated that the emphasis now should be on Gypsies and Travellers to provide their own sites. The Labour opposition in the House of Commons opposed this Act. Peter Pike, Labour spokesman for Home Affairs stated

“The Government's proposals to repeal part of the Caravan Sites Act 1968 do not solve any problems but create more....What would be achieved by passing this bill?...to do so would criminalise some Gypsies and increase homelessness; it would cause family breakdown and place added pressures on social and education services. It would certainly not solve any problems. Indeed it is our view that it would create more problems and improve nothing”.

Lord Irvine (then shadow Lord Chancellor) also stated that there was “humbug at the heart of government policy” on the basis that their real intention was to try and force Travellers into settled accommodation.

Unfortunately for the Gypsy and Traveller community time has shown these comments to hold a great deal of truth. The present failed policy regime has not only had a negative impact on the health of the Traveller community and increased the number of unauthorised encampments, which have caused inconvenience for the settled community. Relations between the settled and Traveller community have sadly deteriorated as a result, leading to racist incidents such as the recent and tragic murder of the fifteen year old Traveller John Delaney (The Guardian, 10/6/2003). Aside from the human cost is the financial, the Traveller Law Research Unit has calculated that 18 million pounds is annually spent on enforcement measures with regards to unauthorised encampments.

Since the 1994 Act the reality has been that it has remained extremely difficult to gain planning permission for those Gypsies and Travellers who can afford to buy their own land. The 1994 Act also brought in ‘draconian’ eviction powers (described as such by Lord Justice Sedley in the case of R v Wealden DC ex parte Atkinson & ors), which have been enthusiastically employed by local authorities and police forces throughout England and Wales. The Labour Government has confined itself to producing guidance on how to

deal with unauthorised encampments which has solely managed to ameliorate a continuing dire situation on the ground. On a daily basis, Gypsies and Travellers without authorised stopping places are hounded from one place to another. Due to the repeal of the duty the number of pitches on official sites has actually declined with some sites being shut down altogether. Despite their opposition at the time of the 1994 Act, the Labour Government, after six years in power, have singularly failed to redress this disastrous situation.

Support for Reform

Support for Traveller Law Reform is gaining momentum. The Local Government Association, The Commission for Racial Equality and Institute for Public Policy Research amongst others have lent their voices to those of Traveller groups by calling upon the government to address Traveller accommodation needs with new policies. Such a proposal also has cross party support as is reflected in the recent formation of the All Party Parliamentary Group for Traveller Law Reform and the early day motion tabled by Kevin McNamara MP, which was supported by 75 MPs.

Even government sponsored research supports the case for reform. Research commissioned by the ODPM 'The Provision and Condition of Local Authority Gypsy/Traveller Sites in England' by Pat Niner has noted the strength of opinion which exists. She states

"There is no clear, widely understood national policy towards accommodation for Gypsies and other Travellers in England; there is a general feeling that such a policy is needed involving local authorities and others but with a strong lead from central government".

The report found

"There are obvious barriers to site provision, especially resistance from the settled community. Many believe that a statutory duty and central subsidy are needed to 'encourage' local authorities to make provision."

The Traveller Law Reform Bill

We believe that the Traveller Law Reform Bill can fill this policy vacuum. The Traveller Law Reform Bill was drafted by Cardiff University Law School and funded by the Joseph Rowntree Trust. The bill was drafted after extensive consultation with Travellers, local authorities, the police and other interested parties, it was given its first reading as a ten minute rule bill by David Atkinson MP in 2002. Amongst its many proposals the bill calls for:

*Every local authority to provide or facilitate the provision of suitable accommodation (temporary and permanent) for Gypsies and Travellers.
Housing Corporation Funding for Caravan Site Construction*

Security of tenure on Gypsy/Traveller caravan sites

In a letter to Debra Shipley MP dated 31st March 2003, the minister of state Tony McNulty expressed some reservations about the bill. In the letter he states that one objection is that the bill has not been considered by the Welsh Assembly or the First Minister. However, an influential report by the Equalities Committee of the Welsh Assembly on Gypsies and Travellers has stated in recommendation 9 of that report that a statutory duty to provide or facilitate Gypsy and Traveller accommodation should be introduced. The minister also expresses concern about the legal status of a proposed Gypsy Traveller Accommodation Commission. Given this objection some groups within the Traveller Law Reform Coalition would propose a compromise in the form of a Task Force, such as the one in the Republic of Ireland, which was given a specific remit for a specific period of time only, regarding Traveller accommodation needs.

It is our firm belief given the level of prejudice against the Gypsy and Traveller community that local authorities and other agencies will only take proactive steps to provide accommodation for Travellers if there is a statutory duty to provide or facilitate Gypsy and Traveller accommodation.

‘Facilitate’ could include tolerating traditional stopping places, obtaining grants for self build sites, ensuring sufficient planning applications are approved by changing the current much ignored Circular 1/94 with guidance that local authorities must identify suitable locations (at present only optional and virtually never done), as well as supporting the construction of sites by Housing Associations.

We are greatly concerned that not one penny of the £22 billion announced by the Deputy Prime Minister for sustainable communities in February is to be spent on accommodation or facilities for Travellers. What Ministers have proposed so far is grossly inadequate. The £17 million refurbishment grant over three years may be compared with Pat Niner's (The Provision and Condition of Local Authority Gypsy/Traveller Sites in England) estimate that £123 million over 30 years is needed merely to maintain the 308 sites that were in use in early 2002. That is not even to reinstate the remaining 16 sites, which had degenerated to the point of being unusable. If spending continued at that rate, it might be just enough to prevent further losses, but in the next two years, 2004-05 and 2005-06, they plan to spend £16 million on refurbishment and the provision of transit sites. So the money has to be split between the two.

In 1977 the Cripp's Commission recommended that Gypsy and Traveller site provision should be placed on a par with housing. That proposal was accepted but not implemented, if it had been there would be greater equality between the accommodation needs of the Traveller and settled community, we now ask for the government to make such a pledge in the forthcoming Housing Bill. By doing so the government will address the declared aim of creating sustainable and cohesive communities and tackling homelessness and will create a genuinely inclusive accommodation policy, that meets the needs of ethnically diverse groups, such as the Gypsy and Traveller community. Some 0.6% of the settled population are homeless (ODPM figures) yet the latest Gypsy County

figures from the ODPM for January 2003 show that some 18% of the Gypsy and Traveller population are homeless (i.e. without an authorised place to stop and thus within the definition of 'homelessness' in the Housing Act 1996 Part VII).

The Commission for Racial Equality in a letter dated the 9th of June to Nicola Hughes the Housing Bill manager has expressed disappointment that in the Housing Bill no reference is made to accommodation for the Gypsy/Traveller community. The letter states

“The Race Relations Act 1976 as amended by the Race Relations (Amendment) Act 2000 gives public authorities, including ODPM a statutory duty to work to eliminate unlawful discrimination, promote equality of opportunity and good race relations in all they do. Gypsies and Irish Travellers are defined as racial groups under the Race Relations Act, and by excluding Gypsies and Travellers from a piece of legislation which aims to provide decent homes for all ethnic groups in the settled community, the ODPM risks failing to promote equality of opportunity or to adequately address potential racial discrimination. Further good race relations are unlikely to be promoted if improvements are seen to be offered to certain groups, excluding others”.

Finally, the ODPM's race equality Scheme, published on 31 May 2003, makes clear the ODPM's commitments to Gypsies and Travellers, undertaking to review the Gypsy and Traveller strategy as a top level priority. It is our belief that the proposals we have outlined will form the basis of a new, successful and inclusive strategy, which will benefit the Gypsy Traveller and settled community.

The Traveller Law Reform Coalition is a loose alliance of all the principal Traveller groups. It is supported by Romany Gypsies, Irish Travellers and New Travellers.