

**Notes of the Traveller Law Reform Project Annual General Meeting
held on Wednesday 2 April, 2008, 2.30 to 5pm,
House of Lords annexe at 1 Abbey Gardens, London SW1.**

Present:

Lord Avebury
Julie Benson
Rodney Bickerstaffe (Chair)
Tim Boswell MP
Jimmy Brown
Joe Browne
Claire Cooper
James Dasinger
Jamie-Lee Devers
David Farrell
Lorraine Hodgson
Chris Johnson
Debby Kennett
Donna Lawne
Michelle Lloyd
Marian Mahoney
Anne Martin
John-William McPhee
Julie Morgan MP
Andrew Ryder
Frieda Schicker
Richard Sheridan
Richard Solly (notes)
Steve Staines
Tom Sweeney
Tony Thomson
Charmaine Valler
Maryann Valler
Chantelle Watson
Baroness Whitaker

Apologies:

Daniel Baker
Basil Barton
Richard Bennett
Peter Bottomley MP
Martin Collins
Michael Gavin
Glen Hocken
Breda Mahoney
Bob Spink MP

Baroness Whitaker, of the All Party Parliamentary Group (APPG) on Gypsy and Traveller Law Reform, welcomed participants.

Rodney Bickerstaffe, chairing the meeting, made some introductory remarks.

Marian Mahoney, of TLRP member group London Gypsy and Traveller Unit, spoke about education and training.

Marian said that Gypsies and Travellers need a lot of help. Marian is involved with the school near the site in London where she lives. Most of the children from the site went to the nearby school and

came out not knowing how to read and write properly. Later it was discovered that some of them were dyslexic, but it was too late to act. It is very hard for them now – they have good brains but it is hard. Marian has worked with the head teacher to get some extra funding for Traveller children. They find it hard because they are always outsiders. The children must learn to read and write because the older people rely on them. They find it hard to have to rely on their children. A lot of money needs to be put in for special help. Traveller children need confidence to go to school, remain in school and go on to college. A lot of children drop out at age 13 or 14 because of prejudice and a lack of confidence. Prejudice and bullying are the main reasons that Traveller children do not stay on. It is not too bad where Marian is because the Travellers are known. But at Cray's Hill in Essex, all the non-Traveller children left the school when the Traveller children arrived. If teachers and head teachers were enabled to explain Traveller matters to settled people, it would help. Prejudice comes from ignorance.

Marian went on to speak about security of tenure.

Marian has lived on the same site for 25 years. Residents have licences, not rent books. Security of tenure is a great achievement for those involved in the struggle for it. Now the Government has recognised the need for security of tenure and good management of sites. Marian explained that some Travellers are afraid of some of the things in the Housing and Regeneration Bill but it may be amended. In any case, she said, it is a step forward. Perhaps, in the future, site residents will be able to buy their own pitches. In banks and hospitals, when you say you live on a caravan site, people are prejudiced against you. With security of tenure, people will know you have got a permanent address and you will be able to get jobs.

Marian noted that Irish Travellers are an ethnic minority but that they shared things in common with other people.

(Breda Mahoney was to have spoken on behalf of TLRP member group the Irish Traveller Movement in Britain, but was unable to attend the meeting.)

Tony Thomson, of TLRP member group Friends, Families and Travellers (FFT), spoke about nomadism and the need to facilitate a nomadic way of life.

Tony said that the main drive from the Government is towards residential solutions. FFT respond to the needs of all the Gypsy and Traveller communities. He said that nomadism is essentially a non-custodial relationship to land, relying on the freedom to travel. The planning system needs to support a traditional travelling lifestyle. Some traditional stopping places have been used for 5000 years. The fact that they have existed for so long and remain so beautiful teaches lessons about sustainable living.

Tony said that Green Lanes are a rural phenomenon. There has been a massive loss of Green Lanes and other traditional stopping sites over the past 20 years. This is a kind of genocide. It affects land and therefore the culture of those who use it. Agenda 21, the Rio Summit Agreement, gave us a language of sustainable development and asked governments to acknowledge Indigenous minorities and traditional knowledge. Green Lanes offer an opportunity for geographic choices, sustainability and rotation. Gypsy and Traveller Accommodation Assessments questions do not recognise why people might prefer the side of the road to the transit sites which the Government offers. People do want Green lanes but this has not been taken into account in GTAAs. The assault on customary practice is happening on a global scale – in Tibet, the USA, Britain and elsewhere. The enclosure of common land renders land more exclusive and there is a financial premium in that. This partly explains the negative attitude of the people in power. But there is merit in traditional site usage. It offers best value.

Tony said that multiculturalism can only exist in a commons environment where different people come together. We should not close people away from each other, atomising them. All people in the countryside, including Travellers, have to be taken into account. The Byways Act of 1995 was a step forward towards sustainable use of land. But the Natural Environment and Rural Communities

Act was a step back, banning all motorised vehicles from all Green Lanes. It was formulated as if there were no history of the use of Green Lanes by nomadic people in Britain. It was a bureaucratic dismissal of a whole class of people. A Rural Commissioner was appointed to defend the rights of poor people, but he needs to be reminded of his duty to nomadic people. Various forms of settlement have been imposed since 1376 but nomadic people will continue to insist on the use of traditional sites until the Government wakes up.

Richard Sheridan, of TLRP member group the Gypsy Council, spoke about the Dale Farm Travellers' site at Cray's Hill in Essex.

Richard said that residents were still waiting for Mr Justice Collins' decision on their Judicial Review of the planned eviction by Basildon District Council. They do not know whether the outcome will be that they keep a roof over their heads or they are out on the M25. Richard said that a lot of people were fighting but that it is all down to one man. The Conservative Government got rid of the duty of local authorities to provide sites in 1994. But an eviction does not take into account the effect on people's lives or the financial cost to taxpayers. Richard said that he is a school governor. He cannot read and write well because he went through so many evictions when he was young. He said that when such things happen in Zimbabwe they are denounced, but that they happen here too.

Questions and discussion

Andrew Ryder, of the Irish Traveller Movement in Britain (ITMB), said that there had been some improvements in recent years: the Government had introduced some policies which may prove helpful, and the tabloids had not been quite as bad as before. But when local authorities look for pieces of land for sites, there may be strong opposition.

Frieda Schicker, of London Gypsy and Traveller Unit (LGTU), said that people who attend the London Gypsy and Traveller Forum are agreed that young Gypsies and Travellers have not been able to access proper training and reasonable opportunities to learn usable skills. There is no diversity strategy in the Learning and Skills Council to help make sure that the opportunities available to Travellers actually help them. There is no strategy to engage with young people who are not in training or education. Frieda said that she had had very bad experiences of poor quality training courses.

Steve Staines, of FFT, spoke about the educational experience of young New Travellers. Like other Travellers, they experienced bullying and name calling and this easily leads to such pupils dropping out of school. Education professionals must take this on board – there is much ignorance.

Lorraine Hodgson, a member of the National Association of Teachers of Travellers (NATT) taught for fifteen years before she was aware of Gypsy, Roma and Traveller communities. She worked for the next ten years using the local Traveller Education Service (TES) for resources. She now works for the Berkshire TES. She encouraged those who had not had contact with the TES to use it. She said that the Race Relations Act means that discrimination can be tackled more easily.

Richard Solly, of the Traveller Law Reform Project (TLRP), pointed out that this does not help Travellers who are not Romany Gypsies or Irish Travellers.

Anne Matin of Norwich and Norfolk Race Equality Council, said that there were a disproportionate number of Gypsies and Travellers in prison and that the number was increasing. Communities were being criminalised.

Claire Cooper, of the Department for Communities and Local Government (CLG), said that she was in touch with the Equality and Human Rights Commission (EHRC) about its work on Gypsy and Traveller issues generally and would be seeking a meeting with Patrick Diamond, the EHRC's Head of Strategy. Others in CLG have close links with EHRC and will reinforce the message that Gypsy and Traveller issues are very important. Regional workers at EHRC have taken up a

number of issues including things said by elected members which would not be tolerated if they were said about other minorities.

Anne Matin said that the disproportionate presence of Gypsies and Travellers in prison is of increasing concern to the Federation of Race Equality Councils.

Rodney Bickerstaffe said that it is important that this matter be addressed as part of 'joined up' government.

Anne Matin pointed out that ethnic monitoring figures for Gypsies and Travellers have yet to be collected by prisons.

Rodney Bickerstaffe said that he would be speaking at the Prison Officers' National Conference in May.

Chris Johnson, of the Community Law Partnership, said that the Race Equality Duty figured heavily in the Dale Farm case and would be dealt with by Mr Justice Collins.

Julie Benson, of Norwich and Norfolk Race Equality Council, said that there was a problem with ethnic monitoring in prisons because of the lack of a box to tick for Gypsies and Travellers, who could only tick 'white other'. The EHRC and the Government must work with town and parish councils to have the full public duty under the Race Relations Act. She said that most cases which she dealt with are to do with planning permission, site provision and inappropriate language at public meetings.

Steve Staines, of Friends, Families and Travellers, spoke about the Gypsy and Traveller Accommodation Assessment process.

Steve said that he had been friends with a Gypsy boy at school. The Gypsy boy was just as intelligent as Steve but he had been unable to continue his education because of frequent evictions. This still happens. Steve said that it is very important to get accommodation assessments right if it is to be avoided. Full guidance was only issued in late 2007, building on ODPM Circular 1/2006 and the Housing Act 2004. The East of England GTAA's were poor and the East of England Regional Assembly hired Pat Niner to benchmark them. Her work, however, only related the GTAA's to other studies. How can we relate them to what is on the ground? Collection of evidence about housing is easy but there is poor evidence about caravans. Local authority caravan counts are only patchily reliable and it is unclear which ones are reliable and which are not. In Cornwall, Restormel District reported zero caravan counts for Gypsies and Travellers. The GTAA for Cornwall was carried out by a private firm but they hired Traveller Space to do the field work. Traveller Space were committed enough to look for caravans properly. As a result, the last caravan count showed 115 caravans in Restormel. How many Restormels are there around the country? In Mendip District, Tony Thomson had found 269 caravans. Mendip had been reporting 70 up till January 2007. In July 2007, thanks to Tony's work, Mendip reported 283. The GTAA system is important but it has to be based on reality. If districts are told to provide less than is actually needed, that will prolong the problems.

Traditional temporary stopping places could help absorb people. Council-provided transit sites are often badly constructed and badly managed and so are often not used. They have to be in the right places. Large sites do not work. If the emphasis is put on residential accommodation rather than the ability of people to travel, it will make it more difficult to travel. In a county with one transit site, the police will be able to direct people on the side of the road to go to that transit site for up to three months and then leave the district. We need solutions which meet the needs of Travellers as well as the wider public. Large encampments normally happen because people do not feel secure.

Steve said that where there has been full Traveller involvement in the GTAA process, people search for uncounted people. Where the assessment is carried out by a commercial consultancy, it is much less likely to get a satisfactory result or Traveller acceptance. In the South West,

Travellers involved in the GTAA were from East Anglia and did not know the local area. It is important to have local Travellers conducting the study. There is a relationship between the level of need revealed and who is doing the study. Steve looked at 21 GTAAs and divided the number of pitches said to be needed by the number of caravans found. These revealed a need for an average 49% more than current provision. If you put all the academic studies together, they show a need for 53% more pitches than current provision. Commercial organisations show an average of only 34% more provision being needed. Are councils choosing consultants to get the answers they want, or are they really looking for the truth?

There is not much to be done with this round of GTAAs. How can we make it better for the next round in 2011? There is a need for a standardised and centralised way of recording the numbers of caravans, to have an independent check on it and to improve acceptance of it by Travellers. Steve did not know whether or not new guidance was needed but Friends Families and Travellers, the Irish Traveller Movement and other organisations should have input into any new guidelines that may be produced.

Questions and discussion

Rodney Bickerstaffe said that both Steve and Tony had referred to attempts to shut down travelling through 'residential solutions', closing down the possibility of a nomadic way of life.

Tom Sweeney, an Irish Traveller who campaigned for many years for security of tenure and on other issues, said that he had taken part in the Cambridgeshire GTAA. He said that if you do not find people you cannot count them. The team was given a list of Gypsies and Travellers in housing to interview. In talking to them, the team doubled the number of Gypsies and Travellers in housing because each interviewee knew of others. Needs assessments have to be done one to one. The Cambridgeshire team consisted of a Gypsy, and Irish Traveller and a health worker.

Tony Thomson said that it was important to obtain the right numbers through the GTAA questionnaires, but asked, who sets the questions?

Tom Sweeney said that in the case of the Cambridgeshire study, the team set the questions.

Tony Thomson said that this was good but was not consistent across the country.

Frieda Schicker, of LGTU, said that there were many housed Travellers in London and that they were difficult to find. The GTAA in Cornwall had been done very well. Traveller Space did all the work for £6,000, while the consultants got £60,000. The same consultants learnt from this how to do the London GTAA. In London, they got £120,000 and offered £3,000 to the community sector to do the work. London Gypsy and Traveller Unit, when bidding for the work, was asked whether they would exaggerate the numbers of Gypsies and Travellers because of their sympathy to them. In London, Frieda was not sure how to use the figures from the GTAA because they are an extrapolation from interviews and do not address what status housed Travellers have, toying with the idea of 'need' as opposed to 'preference' for sites. It is good that housed Travellers were interviewed, but what status do their responses have?

Debby Kennett, of LGTU, said that LGTU had been supporting families in the way of the Olympic Park development in the context of tight timetables, political and financial support, and it had become clear that there is a big issue over competing demand for land. Local authorities do not want to prioritise residential land for a Traveller site. Local planning committees had the power to decide in the end. In the years to come, local authorities will still be going round in circles unless there is real political will and strong guidance from above.

Andrew Ryder, of ITMB, said that the local London GTAA did involve Gypsies and Travellers as data gatherers and a Traveller focus group which helped shape the questionnaire. There were two targets: people on sites and people in housing. ITMB argue for the maximum figures to be used:

housed Travellers should have the right to move on to sites. The Shelter report on housed Travellers might help. The Mayor of London will have an important role in Borough pitch allocations.

Rodney Bickerstaffe said that if commercial companies are bad, they need to be named and shamed.

Michelle Lloyd, of Save the Children, said that in Scotland, Craigforth did several GTAA's in Western Scotland and the company had taken the view that Gypsies and Travellers should not be used as data gatherers because of the need for confidentiality.

Steve Staines said that some GTAA's have included people in housing and others have not. The Dorset study came up with the largest figure – 100 pitches for people currently in housing. Dorset County Council arbitrarily cut the figure by 50% with no evidence and no justification. Only Wiltshire has increased the allocation from GTAA's – others have all reduced them. Confidentiality should not be an issue with Travellers any more than with anyone else if data gatherers are trained properly. Local planning authorities will only deliver sites if there is political will. The press often object, even when others do not, and it stirs up residents and politicians. There is a need for Government money to go to Gypsies and Travellers themselves to create their own sites, which would cost less than others. There is a need for Government funding for organisations that want to help get this right.

Chris Johnson, of Community Law Partnership, spoke about security of tenure on local authority Gypsy and Traveller sites.

Chris said that the Housing Act 1980 introduced security of tenure for people in flats and houses. Since 1983, people on private mobile home sites have also had security of tenure. Since then, people have pointed out that there is no reason for the exclusion of Gypsies and Travellers living on local authority sites.

Security of tenure means that a local authority has to prove its case before a judge and the judge decides whether it is reasonable to evict. After the Connors decision in 2004, Chris had spoken to an influential person saying that the easiest way to introduce security of tenure would be to amend the Mobile Homes Act 1983. This was rejected. Nonetheless, late last year, the Government announced that it would do just this by including local authority Gypsy and Traveller sites under the Mobile Homes Act. Chris and tenants were pleased that the Government was now bringing in security of tenure, though it still leaves problems for those already facing possession actions. Mr Doherty lived on a Birmingham local authority site and was evicted with no reason given. The House of Lords is about to make a decision in his case.

The Mobile Homes Act, applied to local authority Gypsy and Traveller sites, will bring in security of tenure. Everyone welcomes this. But it will also make some other changes, and there is discussion around assignment: under the Mobile Homes Act, tenants have the right to assign their pitch agreement through gift or sale of their caravan to anyone they wish, subject to the agreement of the site owner, and this agreement is not to be unreasonably withheld. Some say that what is good for people on private sites is good for Gypsies and Travellers. Others say it would cause problems, and amendments will be needed to the Housing and Regeneration Bill currently going through Parliament. The right to succeed to a pitch agreement is also an issue. So is jurisdiction: an arbitration clause could be put in a pitch agreement, depriving a tenant of the right to go to court in the event of a dispute with the site owner. Strong representations have been made to ensure that the opportunity to take a case to court continues to exist, even if an independent mediation body is set up.

Questions and discussion

Lord Avebury said that there had been several discussions on transferability of tenure but no resolution. On the arbitration clause, amendments would be needed on Second Reading in the Lords. They would need to be written by the end of April.

Richard Solly, of TLRP, explained that within the groups involved in the Traveller Law Reform Project there had been different views about assignment and inheritance of pitches and this variety of views had been reflected in the TLRP briefing on the subject. He said that all of the Gypsies and Travellers that he had spoken to, inside and outside TLRP, who were living on local authority sites, had been opposed to the right to assign pitch agreements through sale or gift of a caravan and to inheritance rights for people not already living on a site or very closely related to the site resident who died (and some were opposed even to inheritance by close relatives). They favoured allocation according to clear policies laid down by the local authority. But there had not been unanimity among all involved in TLRP member groups. All believed that in the case of disputes between residents and site owners, arbitration by a truly independent body could be helpful but should not prevent a resident taking the dispute to court.

Lord Avebury said that it would be possible to include an order-making power for the Minister in the Bill.

Claire Cooper, of CLG, said that the Secretary of State had powers to change the implied terms set out in Schedule 1 of the Mobile Homes Act by secondary legislation. These implied terms included assignment rights, so it would not be necessary to amend the Housing and Regeneration Bill to make changes to these provisions. A consultation paper would be issued shortly on the implementation of the Bill. This would take into account the views that have already been received through consultation visits with Gypsies and Travellers and local authorities around the country, and would give people another opportunity to submit their views.

Frieda Schicker, of LGTU, said that sites are social housing and that allocations according to a waiting list is fair. The assignment rights in the Mobile Homes Act would mean that anyone without relatives on a site would be excluded from the possibility of getting a pitch.

Tom Sweeney said that during his long involvement in the struggle for security of tenure, he had wanted to see assignment only in the case of death in the family, and to a close relative. Assignment by sale of a caravan is an absolute no-no and must not happen.

Claire Cooper, of the Communities and Local Government Gypsy and Traveller Unit, responded on behalf of the Government.

Claire Cooper said that the big news was the publication on 1 April of the Government's response to the report of the Task Group on Gypsy and Traveller site provision and enforcement, chaired by Sir Brian Briscoe. There were 36 recommendations in the report. The response covers all Government departments. The thrust of the report is that the policy framework should do the job but it is not doing it quickly enough. Ministers accept this. They are committed to giving an annual report to Parliament on progress against the points raised in the report.

Andrew Adonis, Minister for Schools and Learners, recognised the importance of raising attainment for Gypsy, Roma and Traveller children and had asked local authorities to report what they are doing on this. At current levels of progress, the gap between them and the majority population is growing. Ministers want to do something about this. Poor achievement by particular groups can be masked by indicators which cover the broader population. It was important that local authorities considered how successfully they were delivering services to all parts of their communities. The Audit Commission is keen to assess how successful local authorities are in helping vulnerable groups through the new Comprehensive Area Assessment, which was currently being developed. DCSF is working with Gypsy, Roma and Traveller groups in the first GRT History Month this June. The hope is that this will improve understanding.

On Green Lanes, Claire Cooper said that she was unaware of the Natural Environment and Rural Communities Act. She would look at it and talk to planning colleagues to see what, if anything, could be done to address the concerns that had been raised. The consultation document on site design had not covered the kind of sites preferred by New Travellers as fully as some consultees

would have liked. CLG would be looking at this again for the final version of the document. Transit sites provision has not yet had the attention that residential accommodation has had. It is important and MPs are concerned about it.

Claire said that she could not comment on individual planning cases like Dale Farm but good points had been made about spending money on evictions instead of on site provision, which in general is not sensible.

Claire said that she would speak with colleagues about town and parish councils and the duty of public bodies under the Race Relations Act. The process of moving from assessing needs to delivery would provoke negative comments in the press, and local authorities need to think about how to handle this. Local authorities do have to communicate unpopular decisions and they should look at Gypsy and Traveller site provision in the same way as they would other issues. There would be a meeting the next week with the Local Government Association and IDeA to see what role they could play in supporting elected members and officers in communicating this task to the public.

Caravan count numbers are often not good and the count is not approached in the same way by all authorities. GTAAs are creating pressure on recalcitrant authorities by giving a better picture of what is going on on the ground. The Government is keen to learn from this round of GTAAs, and may wish to speak to Steve Staines and others who have an overview of the process. There is a need to provide local planning authorities with models of good practice.

On security of tenure and the Mobile Homes Act, the key is to be clear about what distinguishes local authority Gypsy and Traveller sites from private sites and, where there are differences, for instance with regard to allocation, CLG may adapt the provisions by secondary legislation. They will consult on this.

Questions and discussion

Richard Sheridan said that if the residents of Dale Farm were evicted, they would be out on the road again. He asked if the Government would have to rehouse them.

Claire Cooper replied that if people are homeless, the local authority has to rehouse them – but if the local authority takes the view that they are intentionally homeless or connected with another authority this can complicate the issues.

James Dasinger, of Dale Farm Housing Association, asked what happens if local MPs are lobbying against provision of any sites and using the consultation strategy on the Regional Spatial Strategy to invite people to object to any Gypsies and Travellers in the area.

Claire Cooper noted that the Minister was talking to MPs about maintaining a constructive and rational debate. If a local authority refuses to take action to meet the accommodation needs of Gypsies and Travellers, the Secretary of State can issue directions. She has used them in the past and could do so again but it would be a shame if this had to be done in many cases.

Tom Sweeney asked whether it was true that if you are evicted from your own land, the land is sold to pay for your eviction.

Richard Sheridan replied that it was.

Tom Sweeney asked whether it would not be possible to arrange a land swap.

Claire Cooper could not comment on this but pointed out that there is always a degree of risk in developing land without planning permission.

Anne Matin, of Norwich and Norfolk Racial Equality Council, said that she was working to address the blatant racism of councillors and that councillors want central government to take action so that they do not have to. It is the duty of councillors to promote good race relations and this part of the Race Relations Act must be enforced through the courts. Local race equality councils will have to respond to racism at local level if central government does not take action.

Lord Avebury said that an MP from the West Country had contacted him that morning about a huge storm over a few pitches in the Regional Spatial Strategy. There is a need for a clear response to racist comments from constituents, not simply sending people the entire text of ODPM Circular 1/2006. There is a need for a short briefing in language that people can understand. We should all work on this.

Claire Cooper said that CLG would try to do this. She added that the Government's response to the Task Group report is on the CLG website. If people would like paper copies, they should tell Richard Solly at TLRP, who will inform CLG.

Tom Sweeney gave a reflection on the long struggle for security of tenure.

Tom said that he had spent most of his adult life in Britain. When he first got involved in campaigning for proper tenancies, he was living on the Westway site in West London. He wanted permission to have a mobile home on his pitch and it was not allowed. He went over his licence agreement in detail and saw that although the site was permanent the licences were transient. He went round to sites asking residents whether they knew the difference between a tenancy and a licence agreement. He finally got permission to put mobile homes on the Westway site and the law made it clear that a mobile home is legally the same as a caravan. He saw that a lot of good things could come from security of tenure – access to education, healthcare and training. Traveller patients are being seen as emergency cases – the lack of security of tenure means that you have no proper fixed address. Another problem was the need for mobile homes with disabled access for wheelchair users, for ramps and handgrips for elderly people. There is a need for the health service to look after site residents properly. There is a need for an end to discrimination in education too. Tom said that he was glad and proud to have been asked to come back over from Ireland for this occasion because the struggle was a lifetime's work for him. Tenancies need to be something that you do not sell or pass on except by death. Tom said he had fought also for the right to have amenity blocks on sites.

Richard Solly, of TLRP, then presented the TLRP Annual Report for 2007-08.

The report is available on the TLRP website (www.travellerslaw.org.uk) or by post from TLRP on request. (A request was received at the AGM for the report to be available in audio format.)

Rodney Bickerstaffe asked participants whether they accepted the report. It was accepted with no objections.

The meeting concluded at 5pm.