

Traveller Law Reform Project Email newsletter number 1 11 October 2007

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Government's Single Equality Bill threatens to turn the clock back on ethnic minority rights

Gypsies and Irish Travellers are recognised as ethnic minorities under Britain's race relations law. In recent years, the Commission for Racial Equality (CRE) has helped Gypsies and Irish Travellers in a number of ways, especially through the CRE's regional offices.

At the end of September 2007 the CRE ceased to exist, along with the Equal Opportunities Commission and the Disability Rights Commission. The work of all three commissions will be taken on by a new organisation, the Equality and Human Rights Commission (EHRC).

In June 2007 the Government published a report called the Discrimination Law Review, making proposals for a new Single Equality Bill which would replace existing equality laws and give the new EHRC a framework for its activities. The Traveller Law Reform Project, along with many other organisations (including the former CRE), thinks that the proposals are bad and would weaken existing protection for ethnic minorities, including Gypsies and Irish Travellers.

One of the worst proposals is to remove the duty of public bodies to have 'due regard' in all their actions to the need to remove unlawful discrimination and promote equality of opportunity and good race relations. Instead public bodies would simply have to come up with some self-chosen 'priorities' and work on them 'proportionately' - so if a local authority did not want to bother doing anything to address the discrimination faced by Gypsies and Travellers, it would not have to bother.

You can read the Discrimination Law Review at
<http://www.communities.gov.uk/publications/communities/frameworkforfairnessconsultation>

There is an 'easyread' version at
<http://www.communities.gov.uk/publications/communities/frameworkforfairnesseasyread>

You can read TLRP's response to the Discrimination Law Review at
http://www.travellerslaw.org.uk/pdfs/single_equality_response.pdf

The consultation period on the DLR ended on 4 September. TLRP will keep in contact with the EHRC as the new Commission's work develops, encouraging it to ensure that the former CRE's work in support of Gypsies and Travellers is built on and developed, not lost. TLRP will work with others to try to ensure that any Single Equality Bill that the Government introduces will guarantee the rights of Gypsies and Travellers.

Housing and Regeneration Bill and Planning Reform Bill present opportunities for Gypsy and Traveller accommodation

In July, the Government published a 'Green Paper' (a consultation paper) called *Homes for the future: more affordable, more sustainable*. You can find it at

<http://www.communities.gov.uk/publications/housing/homesforfuture>

The Government has said it will introduce a Housing and Regeneration Bill late this year or in 2008. This will merge the Housing Corporation, which distributes funds to housing associations to build new social housing, and English Partnerships, which plans housing projects in new growth areas.

It will also implement the recommendations of the Cave Review of Social Housing Regulation, policies responding to John Hills' assessment of social housing, and respond to the implications of the 2004 European Court of Human Rights ruling on security of tenure for Gypsies and Travellers on council-run sites.

The Planning Reform Bill will implement the main proposals from the planning White Paper, in particular, establishing a new separate planning system for major infrastructure projects and simplifying the planning system for minor home improvements. In many cases formal planning permission will no longer be required. It will also address underperformance of planning authorities and examine ways to address that under-performance.

Both these Bills could have a helpful impact on Gypsies and Travellers. They will present an important opportunity to draw attention to, and address, some of the flaws in the current Gypsy and Traveller accommodation policies contained in the Housing Act 2004 and ODPM Circular 01/2006. We need to make sure that the targets being set for construction of homes include Gypsy and Traveller site construction. We also need to make sure that residents on council-run Gypsy and Traveller sites get similar rights to residents in council flats and houses – not just security of tenure but rights of succession and exchange, etc. The Planning Reform Bill might provide a framework for a national network of transit sites. If you have not already done so, please sign the Security of Tenure petition which you can find at http://www.travellerslaw.org.uk/tenure_petition.htm.

Steve Staines of Friends, Families and Travellers, and Andrew Ryder of the Irish Traveller Movement in Britain, have worked with TLRP to produce a commentary on these Bills which should soon be posted on the TLRP website www.travellerslaw.org.uk. TLRP has also submitted a response to *Homes for the future: more affordable, more sustainable* which should also soon be on the TLRP website.

If the published Bills do not contain clauses which would benefit Gypsies and Travellers, it is important that Gypsies and Travellers and their supporters work with sympathetic MPs and Peers to ensure that beneficial amendments are added.

Responses and comments on the Housing and Regeneration Bill must be received by 15th October 2007, and should be sent to:

Housing Green Paper Team
Communities and Local Government
Zone 2/J9, Eland House
Bressenden Place
London SW1E 5DU
E-mail: housinggreenpaper@communities.qsi.gov.uk
Fax: 020 7944 3647

Early Day Motion (EDM) 1881 on Gypsy and Traveller site provision

Julie Morgan MP has introduced an EDM on Gypsy and Traveller site provision. An EDM is a way of showing MPs' support for something without having a debate in Parliament. By 11 October, 30 MPs had signed it. The EDM reads:

That this House notes that the Local Government Association (LGA) Gypsy and Traveller Task Group report has called for a clear and tight timetable with agreed milestones for the implementation of the new planning circular on Gypsy and Traveller sites in the first round of the regional spatial strategies and local development frameworks, further notes the LGA calls for the government to extend funding for the Gypsy sites refurbishment grant beyond 2008 and money available for regional housing boards for site provision, welcomes these recommendations and the growing cross-party consensus on this issue and urges the government fully to support these recommendations.

You can find out who has signed it by visiting

<http://edmi.parliament.uk/EDMi/EDMDetails.aspx?EDMID=33732&SESSION=885>

If your MP has not yet signed it, please urge him or her to do so.

Documents published recently by the department for Communities and Local Government (CLG)

Over the last few months, CLG has published several documents in addition to those mentioned earlier. The following list includes the name of each document, where they can be found on the CLG website, and CLG's summary of what they are about.

Gypsy and Traveller Accommodation Needs Assessments - Guidance

<http://www.communities.gov.uk/publications/housing/accommodationassessments>

This guidance aims to provide advice on carrying out an assessment of the accommodation needs of Gypsies and Travellers. It is not exhaustive or prescriptive. While it is recommended that the basic principles outlined here should be followed, the exact approach will need to be adapted to local circumstances.

This guidance sets out:

- why the Accommodation Needs Assessment has to be done;
- what it should produce;
- whom it should survey;
- key differences between the Gypsy and Traveller community and others, and the practical implications of these differences;
- how 'accommodation need' for Gypsies and Travellers differs from that for the settled community;
- timescales for carrying out and updating the assessment.

Guide to Effective Use of Enforcement Powers - Part 2: Unauthorised Development of Caravan Sites

<http://www.communities.gov.uk/publications/housing/unauthorisedsites>

This guidance document is intended to inform Planning Enforcement Officers, elected members of local planning authorities, and interested members of the public how the planning enforcement system can be used to prevent the stationing of caravans on land in contravention of planning control.

It does not seek to set out the detailed steps required in taking enforcement action, but instead to provide an overview of how the system can work, and tips on good practice. Detailed information

on how planning enforcement powers should be used is contained in separate legislation and guidance. Information on where this can be found is at the end of the guidance.

Amendment to the Temporary Stop Notice Regulations - Summary of Responses

<http://www.communities.gov.uk/publications/planningandbuilding/temporarystopresponses>

In March 2007, Communities and Local Government consulted on an amendment to the Temporary Stop Notice Regulations, which would give further powers for local authorities to prohibit the stationing of a caravan already on an unauthorised site, if there was an alternative, authorised, site for the residents to move on to.

This document details the responses to the consultation, and the Government's decision on the next steps.

Consultation Revised Planning Guidance For Travelling Showpeople: Summary of Responses

<http://www.communities.gov.uk/publications/housing/439373>

Summary of responses to consultation paper.

Draft Guidance on the design of sites for Gypsies and Travellers - A Consultation Paper

<http://www.communities.gov.uk/publications/housing/guidancedesignsites>

This document sets out good practice in respect of the design of Gypsy and Traveller sites. It is intended to provide potential developers and existing site owners with an understanding of the design features needed to help ensure a site is successful, easy to manage and maintain, including site location, layout, size and the services and facilities need to make it operate effectively.

Draft Guidance on the Management of Gypsies and Traveller Sites - A Consultation Paper

<http://www.communities.gov.uk/publications/housing/guidancemanagementgypsies>

This document sets out good practice regarding the management of Gypsy and Traveller sites. It provides local authority and registered social landlord site owners with guidance on all the elements needed to ensure sites are successful and well run. Subject areas include site manager skills and duties, landlord and resident relationships and responsibilities, licence agreements, maintenance and repairs, site waiting lists and consultation arrangements.