

# **Traveller Law Reform Project (TLRP) Email newsletter number 7**

## **6 January 2009**

Traveller Law Reform Project  
6 Westgate Street  
London E8 3RN  
Tel: 07956 450916  
Email: [info@travellerslaw.org.uk](mailto:info@travellerslaw.org.uk)  
Website: [www.travellerslaw.org.uk](http://www.travellerslaw.org.uk)

### **In this edition:**

**Racist press articles and resistance to site provision**  
**New caravan count figures**  
**Regional Spatial Strategies**  
**Planning Bill**  
**Scottish Gypsies recognised as a distinct ethnic group**  
**New legislation**  
**Dale Farm**  
**Chris Johnson's law blog**  
**Appendices**

## **Racist press articles and resistance to site provision**

Two unfortunate developments have begun occurring recently. TLRP believes that they are closely linked.

The first is that there have been a number of inflammatory articles in several newspapers concerning site provision for Gypsies and Travellers. Complaints have been made to the *Daily Express*, the Police Complaints Commission and the police. A protest was held outside the offices of the Press Complaints Commission on Thursday 4 December, at which Candy Sheridan, Vice Chair of the Gypsy Council, handed in a number of individual letters of complaint. The PCC has agreed to meet with the Gypsy Council to discuss the current attacks on Gypsies and Travellers in the press. The police, meanwhile, have moved the complaint of incitement to racial hatred back and forth between Sussex and City of London police and now handed it to the Press Complaints Commission for advice. This is clearly unacceptable, as an allegation has been made that a crime has been committed by the Daily Express, and it is not for an unaccountable body such as the Press Complaints Commission to do the work of the police in investigating the allegation.

The second is that several local councils have stated that they will refuse to provide any new pitches for Gypsies and Travellers in their area, even when their own Gypsy and Traveller Accommodation Assessment has revealed the need for such provision. Thurrock was the first council to take this line. Southampton and Portsmouth appear to have followed. TLRP has written to the Leader of Thurrock Council asking for clarification of the practical impacts of the policy.

TLRP believes that some politicians are deliberately using certain publications to help whip up public opposition to site provision under the Government's policy of Regional Spatial Strategies. Certain newspapers are deliberately using ill-informed public prejudice against Gypsies and Travellers to boost their sales and advance a political agenda which is opposed to site provision.

Opposition to site provision is usually based on opposition in principle to people living in caravans. Opponents express disapproval of a nomadic way of life because they believe that those who live in this way are disconnected from the life of the settled community and therefore incomprehensible, irresponsible and antisocial. But when Gypsies and Travellers wish to settle in caravans on a residential site, opponents often say that 'residential' sites for Travellers are a contradiction in terms and that if Gypsies and Travellers are not travelling continually, they should live in bricks and

mortar accommodation. Opposition is also strengthened by belief in false stereotypes about non-payment of council tax, income tax and rent, and the equally false suggestion that because some Gypsies and Travellers have committed criminal offences (as many members of settled communities have) all Gypsies and Travellers are to be held guilty. There is a clear and urgent need to find effective ways to tackle these dangerous and ill-informed prejudices.

At the end of this newsletter you can read:

- the text of the individually signed letters of complaint handed in to the Press Complaints Commission on 4 December;
- an account by Chris Whitwell (Director of TLRP member group Friends, Families and Travellers) of his contacts with the police over his complaint about the *Daily Express*, suggesting that the police do not take incitement to hatred of Gypsies and Travellers as seriously as we believe they should;
- the letter sent by TLRP to Thurrock Council Leader Terence Hipsey.

## **New caravan count figures**

In December, the Government published the *Count of Gypsy and Traveller Caravans on 21 July 2008*. The figures are available on the Communities and Local Government website at: [www.communities.gov.uk/housing/housingmanagementcare/gypsiesandtravellers/gypsyandtravellersitedataandstat/](http://www.communities.gov.uk/housing/housingmanagementcare/gypsiesandtravellers/gypsyandtravellersitedataandstat/)

## **Regional Spatial Strategies**

The process of approving Regional Spatial Strategies and producing Development Plan Documents (which should specify where new pitches for Gypsies and Travellers can be located) at local level is demanding more and more of TLRP's time and attention. TLRP and others need to intervene in as many of the public consultations as possible to ensure that the best possible pitch allocations are made, and that ill-informed public and political opposition to such pitch allocations is not allowed to deny Gypsies and Travellers access to the accommodation that they desperately need.

Steve Staines, of TLRP member group Friends, Families and Travellers (FFT), attended the Examination in Public (EiP) of the East of England Regional Spatial Strategy Single Issue Review on Gypsy and Traveller Accommodation. The EiP was held in Letchworth from 21 to 24 October 2008. Steve's report follows.

The EiP was organised into the following sessions:

- |             |  |
|-------------|--|
| 21 October: | 1A Overall Need and Deliverability   |
| 22 October: | 1B Overall Regional Distribution and Guidance for Local Development Documents<br>2A Essex, Thurrock and Southend       |
| 23 October  | 2B Hertfordshire<br>2C Cambridgeshire and Peterborough   |
| 24 October  | 2E Bedfordshire and Luton<br>2D Norfolk and Suffolk<br>3 Overall regional provision: Scale and Distribution revisited. |

EERA (East of England Regional Assembly) and GOEAST (Government Office for the East of England, part of CLG) were represented throughout, and all counties and most districts sent representatives. Other participants included several residents' groups, people from Campaign for the Protection of Rural England, Natural England, a couple of police forces and a doctor from the health service who gave evidence about the health status of the community.

On our side, FFT was there throughout and was asked to lead on quite a few sessions because we had something different to say; the Irish Traveller Movement in Britain sent a representative for one day and led on one session; Gloria Buckley, a well-known Gypsy community leader from Norfolk, sat in on several sessions, Ray Smith from the Showmen's Guild was there throughout, and Tommy Collins from Leeds was there for a couple of days. Brentwood Travellers' Support Group made a good local argument about the need there, which was larger than the GTAA suggested. A Traveller from Bedfordshire who had been through serious planning problems was there on the last day and gave evidence about his experience.

Matter 1A (Overall Need and Deliverability) revolved around whether the numbers proposed were right and whether there was a need for guidance in producing local development documents. Of significance in this session was that no-one said that the numbers were too low. FFT, of course, held out for larger numbers. There was considerable technical debate as to how to deal with post-2011 policy and the role of future GTAAs after 2011.

Transit provision was a big and continuing issue which was not catered for in policy. FFT argued strongly for development of a framework on which to build. Most councils said there was evidence for need but not enough to say where or how large sites should be.

FFT put forward evidence here and elsewhere about New Traveller need and the lack of cognisance of their needs.

Matter 1B (Overall Regional Distribution and Guidance for Local Development Documents) revolved around how to distribute new pitches around the Region. There was a discussion of the principle of diversion away from places with large need to other places with small or no current need, whether Green Belt would influence distribution and the influence of natural constraints.

Not unnaturally, the argument was between authorities who had large need (e.g. Cambridgeshire and Essex authorities) and those to which it was planned to distribute this need. The Hertfordshire authorities were very opposed to distribution to their areas, as was North Norfolk and Babergh in Suffolk. The wrangling was long, sustained and unedifying: words like 'burden', 'unfair', 'penalised' and 'over-concentration' were bandied around.

FFT's stance was that there was enough indicative evidence of local need to take up some of the transferred need (15 pitch minimum) and that anyway the Regional pitch total could be regarded as a minimum. GOEAST agreed with this and at the end of the EiP EERA seemed to concede the point. Need should therefore first be met where it arose because otherwise there would be the question of who goes where and problems caused for those who would be forcibly transferred from their current home area.

There was an attempt by Essex authorities to introduce their hastily re-done GTAA into the proceedings. This was defeated. This was continued in session 2A.

These general sessions were followed by a county by county consideration of residential numbers, planning constraint issues, transit issues and TSP assessments.

FFT played its full part in this, providing material as it could to support the contention that the need revealed in the GTAAS was a minimum and that in some places there was enough data to suggest an increase in allocation. The issue of New Travellers was explored in the Norfolk and Suffolk sessions and there was a general consensus that their needs were different, may well have been understated, and would have to be met. An investigation done by Broadland Council, for example, showed that allocation from elsewhere would be more than used up by New Travellers in the area.

At various stages FFT made strong points about poor consultation and the lack of reality checks.

GOEAST was useful at various points and also pointed out that the uptake of grant money from this round was disappointing.

Overall, the Inspectors were very interested in the potential for major building developments to contribute to pitch provision, but responses seemed to suggest that this would only contribute after 2011. Many councils also said that brownfield land was scarce or not available. This suggests that greenfield sites offer the only realistic opportunities for much of the planned provision. Little land was likely to be found that would be affordable in urban areas.

The inspectors were also interested in the possibilities for joint working by local authorities. These seem to be very limited and offer major a potential for delay if they were to be pursued.

My feeling over transit issues was that the inspectors could well be minded to do something about it but we will have to wait on that.

Monitoring was an issue discussed, and one helpful suggestion which came from the Epping consultant was that there might be a form similar to PS3, which is used to monitor housing for Area Agreements. Properly designed, this might solve the caravan count problem. This would include counts of all caravans, which would, of course, be compulsory, and would include revision of the counting methodology.

The inspectors expected to submit their report to the Secretary of State for Communities and Local Government by Christmas. It should be made public within the next few months.

*Steve Staines, FFT, 29 October 2008*

## **Planning Bill**

The Planning Bill was debated in the House of Lords Committee in October. The Government withdrew its worrying proposal to introduce 'Local Member Review Bodies' which would have allowed some types of planning appeal to be dealt with by local councillors rather than the Secretary of State for Communities and Local Government (CLG). This proposal may well have caused extra problems for Gypsies and Travellers seeking permission to live in a caravan on their own land. The Government also made assurances, in response to concerns raised by Baroness Whitaker, that where a planning appeal cannot be reasonably argued and understood by all parties through a written process, an oral hearing or an inquiry would continue to be available. CLG publish criteria for deciding what form a planning appeal should take, and the Government acknowledges that in appeals which raise extraordinary issues relating to the status of the appellant or the need for or availability of accommodation and the appellant considers it necessary or intends to be legally represented, an enquiry may be the most appropriate procedure. (These assurances are contained in a letter from Baroness Andrews, Parliamentary Under Secretary of State at CLG, to Baroness Whitaker, dated 16 October 2008.)

## **Scottish Gypsies recognised as a distinct ethnic group**

In October, a Scottish Court decided that Scottish Gypsies are a distinct ethnic group for purposes of the Race Relations Act of 1976. Judge Nicol Hosie overturned the decision of a previous hearing in March 2008. This gives Scottish Gypsies the same protection enjoyed under the 1976 Act by Irish Travellers and Romany Gypsies in England and Wales. Details can be found at [http://www.theherald.co.uk/news/news/display.var.2463167.0.Scottish\\_gypsies\\_are\\_distinct\\_ethnic\\_group\\_rules\\_judge.php](http://www.theherald.co.uk/news/news/display.var.2463167.0.Scottish_gypsies_are_distinct_ethnic_group_rules_judge.php)

## **New legislation**

Among the new Bills announced in the Queen's Speech in November are several which may be of particular interest to Gypsies and Travellers, whether because they look promising or seem to present a threat. Thanks to Andrew Ryder of the Irish Traveller Movement in Britain for this list.

### **Child Poverty Bill**

Enshrines in law the commitment to eradicate child poverty by 2020.

### **Children, Skills and Learning Bill**

Mostly applying to England, it calls for more flexible school inspections and a new pay negotiation body for classroom assistants. Schools will be required to work together to tackle bad behaviour and be given powers to search pupils for alcohol, drugs and stolen goods. The bill also promises an apprenticeship place for every suitably qualified young person by 2013.

### **Equality Bill**

Applying to England, Scotland and Wales, the bill promises to simplify and harmonise discrimination law.

### **Health Bill**

Mostly applying to England only, this bill offers a new NHS Constitution, setting out the rights and responsibilities of patients and staff. It extends the remit of the Local Government Ombudsman to look at complaints from people who have arranged their own adult social care.

### **Local Democracy, Economic Development and Construction Bill**

This bill applies mainly to England, with some parts applying to Wales and very little to Scotland and Northern Ireland. It places a duty on councils to 'promote democracy' and monitor local economic conditions; makes it a legal duty for them to respond to petitions; and demands the setting-up of a National Tenant Voice to ensure tenants' views are 'central' to housing decision-making.

### **Welfare Reform Bill**

Aimed at creating 'incentives' for people to return to work and 'consequences' for those who do not, this bill applies to England, Scotland and Wales. It promises more sanctions against people who do not attend job centre interviews and work-focussed interviews for the over-60s. It also requires 'work-related activity' from those receiving Employment and Support Allowance. The bill would abolish Income Support and move all people onto Jobseeker's Allowance, if they are well, or Employment and Support Allowance, if they are sick.

## **Dale Farm**

Basildon District Council has appealed against the decision of Mr Justice Collins, announced on 9 May 2008, which stopped it from evicting residents of unauthorised pitches at Dale Farm in Essex until Basildon Council had provided the number of new authorised pitches required in the East of England's Regional Spatial Strategy. (See TLRP's Email newsletter number 5, [http://www.travellerslaw.org.uk/pdfs/newsletter\\_july\\_08.pdf](http://www.travellerslaw.org.uk/pdfs/newsletter_july_08.pdf).) The appeal was heard in December. A decision is expected soon. If the decision goes in favour of the Council, evictions may well follow soon after. There is grave concern about the welfare of children during and after any such eviction. Residents, represented by the Dale Farm Housing Association and supported by the Gypsy Council and TLRP, have met with Essex County Council to discuss this matter

## **Chris Johnson's law blog**

One of TLRP's legal advisers, Chris Johnson, of the Travellers' Advice Team at Community Law Partnership in Birmingham, is now writing a legal blog on the *Travellers Times* website. It deals with legal developments affecting Gypsies and Travellers and can be found at <http://www.blog.travellerstimes.org.uk/gypsy-and-traveller-law/>.

The Travellers Times website remains an excellent source of news about many issues affecting Gypsies and Travellers.

## Appendices

### 1 Text of the individually signed letters of complaint handed in to the Press Complaints Commission on 4 December 2008

The Press Complaints Commission  
Press Complaints Commission  
Halton House  
20/23 Holborn  
London EC1N 2JD

We wish to express our deep concern over the Daily Express article headlined Families must sell land for Gypsy Campsites, 17 November 2008, and the editorial Grabbing land to settle Gypsies.

On page 5 of the same edition, an aerial photograph was published of Dale Farm at Crays Hill, Essex. The caption was inaccurate and the intention clearly to foment opposition to what are private properties with planning permission (those without planning permission are the subject of a hearing in the Court of Appeal (4 and 5 December)).

The report and editorial contain inaccurate information, giving a false impression that councils will be compulsorily purchasing gardens and other land for Gypsy and Traveller sites. Both contain misleading information and grossly inaccurate claims.

The Press Complaints Commission Code of Practice Article 1 says, with regard to accuracy:

- i) The Press must take care not to publish inaccurate, misleading or distorted information, including pictures.
- ii) A significant inaccuracy, misleading statement or distortion once recognised must be corrected, promptly and with due prominence, and - where appropriate - an apology published.
- iii) The Press, whilst free to be partisan, must distinguish clearly between comment, conjecture and fact.

A/ We believe that the headlines Grabbing land to settle Gypsies is outrageous and Families must sell land for Gypsy Campsites infringe this article. So do the following two pieces of text: 'Councils around the country will take similar action to free up land' and 'Why do planners insist on riding roughshod over peoples' feelings and forcing them to sell their own gardens and fields to make way for Gypsies?'

The leader of Epping District Council said on television on 19 November 2008 that the Council had never stated that it would force local residents to sell their land, and there is no evidence at all that any other authorities are about to take such a heavy-handed approach.

On 18 November there was an exchange between the Parliamentary Under-Secretary of State for Communities and Local Government (Mr. Sadiq Khan) and Eleanor Laing MP, who represents the constituency of Epping Forest. Mrs Laing's comments echoed those of the inaccurate and misleading material in the previous day's Daily Express. The Minister's response further emphasised the inaccuracy of the Daily Express claims.

Extract from Hansard for 18 November.

Mrs. Eleanor Laing (Epping Forest) (Con): The Minister must recognise that no one on the Opposition side of the House objects to reasonable rights being given to Gypsies and Travellers. However, he and his Government are taking away the rights of other people in my constituency. Decent, normal, law-abiding, hard-working, tax-paying people are under threat of having the little pieces of land right next to their houses taken away by his Government, by compulsory purchase, to provide sites for Gypsies. What about the rights of the decent, hard-working taxpayers in my constituency?

Mr. Khan: Let me deal with the hon. Lady's first point. Local authorities spend £18 million a year on enforcement action on unauthorised sites. If we can reduce the number of unauthorised sites by encouraging local authorities to provide authorised sites, that will reduce that bill. Secondly, I know from a letter that I have been passed by the Under-Secretary of State for Communities and Local Government, my hon. Friend the Member for Hartlepool (Mr. Wright), that the hon. Lady has been involved in a campaign that some would characterise as scaremongering about compulsory purchase orders in her community. There is no truth in the headlines. There is no requirement for local authorities to compulsorily purchase land for Gypsy or Traveller sites. I would ask, caution and counsel hon. Members to use their words carefully and to temper them when it comes to spreading stories that are factually incorrect and misleading.

(The full debate can be found at:

<http://www.publications.parliament.uk/pa/cm200708/cmhansrd/cm081118/debtext/81118-0002.htm>)

B/ The Daily Express article claims that Epping Forest Council has already identified 123 new pitches. The truth of the matter is that Epping already has 82 authorised pitches. This is clear from figure 9 of its November 2008 Consultation on Options: Development Plan Provision for Gypsies and Travellers in Epping Forest District. The same document shows (figure 15) that it also has six 'tolerated sites', four of which are recommended for a grant of planning permission. Page 4 of the Council's Consultation document makes clear that the East of England Regional Spatial Strategy only calls for an extra 49 pitches, not 123 as the article suggests. Epping Forest Council itself estimates a need for 35 new pitches by 2011.

These claims also infringe article 1 of the Press Complaints Commission (clauses 1 and 3)

C/ The Daily Express editorial refers to 'Irish and East European tinkers'. East European Roma are generally settled in housing and are not nomadic caravan dwellers. Furthermore, the term 'tinker' is a derogatory name used to describe Travellers. Wikipedia includes 'Tinker' in a list of ethnic slurs that are, or have been, used as insinuations or allegations about members of a given ethnicity or to refer to them in a derogatory (critical or disrespectful), pejorative (disapproving or contemptuous), or insulting manner. For the purposes of the Wikipedia list, an ethnic slur is a term or word[s] used to insult on the basis of race, ethnicity, or nationality. It is equivalent to calling someone a 'nigger'.

These claims infringe article 1 of the Press Complaints Commission (clauses 1 and 3)

D/ The Editorial states 'The reality is that many are Irish and East European tinkers, pulling monstrous mobile homes behind gleaming 4x4s and making a good, tax-free living from State handouts and the proceeds of crime'.

This is an appalling and unsubstantiated comment, which clearly has the effect of inciting racial hatred. Many Travellers feel vulnerable and threatened by it. We support the complaint made by Chris Whitwell of Friends Families and Travellers to Sussex Police about this editorial (Crime reference 1112 Sussex Police 17/11/2008). These comments also infringe article 1 of the Press Complaints Commission as well as Article 4 on 'Harassment', which states that 'Journalists must not engage in intimidation, harassment or persistent pursuit.'

## **2 Account by Chris Whitwell (Director of TLRP member group Friends, Families and Travellers) of his contacts with the police over his complaint about the *Daily Express***

Daily Express article – 17 November 2008

On 17 November 2008 the Daily Express carried an article accompanied by an editorial about Gypsies and Travellers. The article itself was inaccurate and misleading but the editorial was overtly racist, characterising Gypsies as tax dodgers and criminals.

I reported the Daily Express to Sussex Police asking them to investigate with a view to prosecution for incitement to racial hatred and was given a crime reference number 1112 of 17 November 2008. I also lodged a complaint with the Press Complaints Commission.

I am aware that other complaints have been put in to the PCC from other sources.

Subsequently I was informed that the investigation was the responsibility of the City of London Police and telephoned them only to be told that it was actually the responsibility of the Metropolitan Police as it was thought that the Express head office was based in Kensington. I telephoned the Metropolitan Police who gave me a crime reference number CHS8981 but said it would probably need to be referred to the City of London Police as the Express head office is based in Bishopsgate.

I was then contacted by Sussex Police who said that, in order to save me the trouble of going to London to make a statement they would take it locally and forward it to City of London Police. I subsequently made a formal statement on 25 November 2008 expressing the view that the editorial amounted to an incitement to racial hatred. I offered to give the Police statement-taker a petition that had been gathered by local Gypsies and Travellers as evidence but he advised that it would be better for me to give this to the City of London Police once they were in touch with me. A few days later I had a call from D.S. Gilles of Sussex Police to say that all the paperwork including my witness statement had been forwarded to the City of London Police.

Time passed and nothing seemed to be happening, so on 17 December 2008 I telephoned the City of London Police and spoke to a P.C. Andy Brown on the crime desk at Bishopsgate Police Station. He told me that the paperwork had been sent back to the Hate Crime Unit at Sussex and that I would need to speak to them about the latest situation.

I then telephoned the Hate Crime Unit at Sussex and spoke to Sarah who told me that the paperwork was with the Anti-Victimisation Unit but that she would try to find out what the latest position was. She then phoned me back to say that the police had decided to consult the Press Complaints Commission to advise as to whether the Express should be prosecuted.

I made the point that it is up to the Police to investigate criminal activities and not to pass over the responsibility for deciding whether or not to proceed to a non-accountable body such as the Press Complaints Commission. Sarah said that she was not qualified to discuss such matters but would ask her inspector, Inspector Apps to ring me back.

Inspector Apps then phoned back to say that all the paperwork had been forwarded to the City of London Police to deal with. When I explained that they had told me it had all been sent back to the Hate Crime Unit he promised to contact P.C Brown to find out what is happening and to contact me again.

I spoke again to Inspector Apps on 22 December. He confirmed that the City of London Police had reviewed the case and had sent it to the Press Complaints Commission. He suggested that if I wanted to query this decision it would be best to put it in writing to the Commissioner of the City of London Police.

I have now written to the Commissioner of the City of London Police by letter dated 22 December.

Meanwhile we have clear evidence from various sources, waiting to be passed to the Police, that individual Gypsies and Travellers have been affected by this disgraceful editorial and feel vulnerable and threatened as a result.

### **3 Text of the letter sent by TLRP to Thurrock Council Leader Terence Hipsey**

Councillor Terence Hipsey,  
Leader of the Council,  
Thurrock Council,  
Civic Offices,  
New Road,  
Grays,  
Essex RM17 6SL

17 December 2008

Dear Cllr Hipsey

The Traveller Law Reform Project works on behalf of several Gypsy and Traveller support organisations and services the All Party Parliamentary Group on Gypsy and Traveller Law Reform.

We gather that Thurrock Council has passed the following resolution:

This Council considers the provision of sites for travellers within Thurrock is sufficient for our needs for the foreseeable future. Further, this Council refutes the findings of EERA in regard to their methods of establishing need in their totally unfair allocation policy. Therefore, this Council adopts firm Policy that we will not accept the establishment of any further traveller sites in Thurrock and that Officers and Members involved be so instructed that EERA be so informed.

Could you please clarify whether this motion also excludes the possibility of authorising existing unauthorised developments in the borough or extending existing private and local authority sites? If it does not, I wonder what action is planned to provide authorised pitches to those currently within the District boundaries who lack them.

I would be grateful if you could forward us a copy of the letter you propose sending to EERA.

Yours sincerely,

Richard Solly,  
Policy Development Officer,  
Traveller Law Reform Project.