

Traveller Law Reform Project Email newsletter number 2 23 November 2007

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Housing and Regeneration Bill offers security of tenure for residents on local authority run Gypsy and Traveller sites; may offer other benefits

On 15 November, the Government introduced the Housing and Regeneration Bill in Parliament. Clause 272 of the Bill is as follows:

'272 Protected mobile home sites to include sites for gypsies and travellers

In section 5(1) of the Mobile Homes Act 1983 (c. 34) (interpretation), in the definition of "protected site", omit the words from "does not include" to "that,".'

The Explanatory Notes state:

'Clause 272 – Protected mobile home sites to include sites for gypsies and travellers

Clause 272 amends the definition of a "protected site" in section 5(1) of the Mobile Homes Act 1983 by removing the exclusion for land occupied by a local authority as a caravan site providing accommodation for gypsies and travellers. The Mobile Homes Act 1983 will therefore apply to an agreement to station a mobile home (or caravan) on a local authority gypsy and traveller site.'

This will give Gypsies and Travellers living on local authority run sites the same security of tenure as residents on Mobile Home sites and is in response to the European Court of Human Rights ruling in the case of *Connors v United Kingdom*.

The ruling can be found on the European Court of Human Rights Portal at

<http://cmiskp.echr.coe.int/tkp197/view.asp?action=html&documentId=699671&portal=hbkm&source=externalbydocnumber&table=F69A27FD8FB86142BF01C1166DEA398649>

At present, all a local authority has to do to gain possession of a pitch on a local authority run Gypsy site is provide 28 days' notice of termination of a Gypsy's or Traveller's licence and then obtain a possession order from the court. The site resident has no defence against a claim for such an order. The court does not have to examine whether there are good reasons for eviction, though it can suspend a possession order for a period of time.

If Clause 272 is accepted, it will mean that, like tenants of other forms of accommodation, residents on local authority run Gypsy and Traveller sites cannot be evicted without good reason and without

proof of an infraction of the rules. It will not give residents of local authority Gypsy and Traveller sites any special rights. It will simply give them the same rights as other people living in caravans and mobile homes. It will not prevent site residents who break the conditions of their secure tenancy from being evicted. It will not give security of tenure to anyone on an unauthorised encampment or unauthorised development.

There will be no change to regulations affecting privately run Gypsy and Traveller sites and small family sites.

The Traveller Law Reform Project has been working for security of tenure on local authority Gypsy and Traveller sites and is pleased that Clause 272 introduces this. Communities and Local Government is currently consulting on how some details of the Mobile Homes Act 1983 will apply to local authority run Gypsy and Traveller sites. TLRP will monitor the progress of the Bill and any amendments proposed.

Meanwhile, you can still register your support for security of tenure on local authority run Gypsy and Traveller sites by signing the petition at http://www.travellerslaw.org.uk/tenure_petition.htm.

The Bill defines 'social housing' and establishes a social housing regulator. The regulator's objectives, listed in Clause 86, include ensuring that 'actual or potential tenants of social housing have an appropriate degree of choice and protection' and that 'tenants of social housing have an opportunity to be involved in its management.' It is not clear whether or not Gypsy and Traveller sites run by local authorities or Registered Social Landlords are included in the definition of social housing and TLRP is seeking clarification of this. If so, it would further improve the rights of residents on such sites.

You can find the Bill at <http://www.publications.parliament.uk/pa/cm200708/cmbills/008/08008.i-v.html>.

Communities and Local Government has produced Explanatory Notes to the Bill. You can find them at http://www.publications.parliament.uk/pa/cm200708/cmbills/008/en/index_008.htm.

PDF files of both documents can be downloaded from <http://services.parliament.uk/bills/2007-08/housingandregeneration.html>.

An impact assessment prepared by CLG can be found at <http://www.communities.gov.uk/publications/housing/handrbill>.

Gypsy and Traveller Accommodation Assessments can hide the truth

Communities and Local Government's Gypsy and Traveller Unit held a 'stakeholders' meeting' in London on Wednesday 21 November. One of the concerns discussed was the quality of the Gypsy and Traveller Accommodation Assessments (GTAAs) currently being carried out by local authorities in England. GTAAs are supposed to identify the actual scale of need for new pitches in the area studied. They are submitted to Regional Planning Bodies so that a Regional Spatial Strategy can be prepared, indicating how many pitches must be provided by each local authority in every region of England.

While some GTAAs have been carried out with full Traveller involvement in the planning and carrying out of the study, others have excluded Travellers and seriously underestimated the need for new provision. Some councils have acted in particularly bad faith. One case was reported of a revealed need for 88 pitches being reduced without any evidence to 15 in the council's final GTAA. There is a great deal of anger about this.

Task Group on Site Provision and Enforcement to publish report

The Task Group on Site Provision and Enforcement set up by Communities and Local Government will publish its report at a launch event on 11 December, details of which are still to be confirmed. It is thought that it may comment on the quality of GTAAs and the fact that so far almost no extra provision has emerged as a result of them.

Joseph Rowntree Foundation report calls for strong political leadership

Research published on 25 October by the Joseph Rowntree Foundation has found that strong local authority leadership is required to meet the accommodation needs of Gypsies and Travellers. In only one of the six areas examined had Gypsy and Traveller sites already been included in the existing local development plan. Whilst some areas had completed their accommodation needs assessments, and another had identified potential future sites, one case study had no existing sites and no current plans for new sites. The report also found that councillors need to do more to properly address community concerns about site provision.

Often, there is hostility to new Gypsy and Traveller sites from local people. However, where existing sites are well managed, and seen to be well managed, this can lead to a more positive local understanding of Gypsies and Travellers and help to build trust when new sites are proposed.

The research found that by ignoring the needs of Gypsy and Traveller communities, local authorities can make the situation worse for local people. As well as being costly to clear up, unauthorised sites can cause concern amongst local residents. With well-organised and well-managed consultation, site provision can be accomplished more effectively.

Some local authorities noted that providing official sites enabled savings to be made on the cost of clearing up unauthorised encampments, thus providing a 'business case' for new provision.

The research found that four "foundation stones" need to be in place for successful site provision by local authorities working with other agencies:

1. There needs to be a positive context for debate on future site provision, addressing the public and local media perception of Gypsies and Travellers.
2. Councils need to effectively manage existing authorised and unauthorised sites to help gain the trust of the local community and to alleviate potential concerns over the management of new sites.
3. There need to be realistic, clear and simple criteria for new site selection; and a well-managed communications plan to discuss these with local people.
4. Stronger leadership is needed from local politicians and council officers to take the agenda forward.

The report's author, Jo Richardson, said: "The context for debating the provision of new sites has an impact on the success of the outcome. In several of the case study areas, adverse media coverage and public opposition reinforced each other to create a hostile context for plans. In one case local councillors voted against proposals as a result. Elsewhere, where local authorities liaised closely with the local media, and held training events for officers and councillors, a positive context was set for debating new Gypsy and Traveller site provision."

The research found that the local politicians who supported new provision of sites based this on one or more of the following three reasons:

1. **The legal case** – Local authorities have a duty to assess the accommodation needs of Gypsies and Travellers, and to incorporate sites in local development plan documents, where a need is demonstrated.
2. **The business case** – Government is providing new funding for new site provision and some local authorities have taken advantage of this and incorporated site provision into their plans. Also, savings may be made on dealing with unauthorised encampments, if authorised sites are provided which accommodate this need.
3. **The moral case** – The inequalities in health, education and life expectancy of Gypsies and Travellers need to be addressed in the context of promoting social inclusion and community cohesion in local areas.

The report, *Providing Gypsy and Traveller Sites: Contentious Spaces*, by Dr Joanna Richardson of De Montfort University, Leicester, is available free on the JRF website, www.jrf.org.uk, or on paper at a cost of £15.95 plus £3 p&p from the Chartered Institute of Housing, Octavia House, Westwood Way, Coventry CV4 8JP; tel 024 7685 1752/64, fax 024 7642 2022; email pubs@cih.org.

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

The Parliamentary session ended on 30 October and the new session began with the Queen's Speech on 6 November. All Early Day Motions fall at the end of the session, so there is no longer any need to ask your MP to sign EDM 1881 as it is no longer current.