

## **Travellers/Roma list:**

### **Gypsies and Travellers**

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<http://tinyurl.com/y9shhnc>

Moved By Baroness Whitaker

To ask Her Majesty's Government why they have decided not to implement the provision in the Housing and Regeneration Act 2008 to extend security of tenure on local authority Gypsy and Traveller sites to that enjoyed by other caravan dwellers under the Mobile Homes Act 1983.

The Parliamentary Under-Secretary of State, Department for Communities and Local Government & Department for Work and Pensions (Lord McKenzie of Luton): My Lords, Her Majesty's Government remain committed to bringing security of tenure to local authority Gypsy and Traveller sites and to do this by implementing Section 318 of the Housing and Regeneration Act 2008. Statutory instruments will be laid as soon as parliamentary time is available.

Baroness Whitaker: I thank my noble friend for that Answer. I know he intends to be helpful, but does he agree that the promise to give security of tenure—crucial to the education and health of Gypsy children—has just been dropped off the list of things to be done before the election because no one thinks that it matters enough? My noble friend has got two other statutory instruments under the same Act this afternoon. Does he also acknowledge that a very simply statutory instrument, a quarter of a page long, could speedily be brought in to cover just this one point, thus incidentally, also satisfying the letter from the Joint Committee on Human Rights?

Lord McKenzie of Luton: My Lords, I acknowledge the role that my noble friend plays as an effective and consistent campaigner for the rights of Gypsies and Travellers. I share her disappointment that it is not going to be possible to bring forward this statutory instrument before the general election but emphasise that the Government remain committed to doing so. As to the alternative proposition, that we could achieve what is required by a fairly straightforward and shorter instrument, the Government's view is that it would not have allowed the changes to assignment and the others requested in the consultation we undertook to be applied retrospectively to existing agreements once the Mobile Homes Act was applied to those agreements. We do not believe that the alternative is effective.

Lord Graham of Edmonton: My Lords, does the Minister acknowledge that there continue to be great disparities between those who live in bricks and mortar houses and those who live in mobile homes or on caravan or Gypsy sites? Can he give an assurance that despite the pressures on the department the interests of those who live on Gypsy sites will be borne in mind? Will he give a commitment to try to iron out the disparities between those who live in bricks and mortar houses and those who find their housing by other means?

Lord McKenzie of Luton: My Lords, the purpose of the consultation on these proposals was to seek to align the position of Gypsies and Travellers on local authority sites with other caravan dwellers on private sites or in park homes. That is the particular consistency we are seeking to achieve through these propositions.

Lord Avebury: My Lords, first, can the noble Lord give any examples, other than that of the case of Connors, where the Government have ignored a judgment of the European Court of Human Rights for six years, after having been reminded three times by the Joint Committee on Human Rights? Secondly, on the second question put by the noble Baroness, has the Minister had a chance to look at the draft statutory instrument we sent him just before the House convened, and why does he say that it is impossible to deal solely with the question of security of tenure to enable us to comply with the judgment?

Lord McKenzie of Luton: My Lords, we are not ignoring this very important issue, which is why we introduced Section 318 into the 2008 Act. The reason a more straightforward statutory instrument would not work is a bit complicated, but basically the noble

Lord will be aware that we consulted on a range of issues that needed to be addressed with the support of local authorities and the Gypsy and Traveller community and agreed to introduce new implied terms into the Mobile Homes Act. To make sure that any changes apply to existing agreements as well to new ones, we need to use the transitional provisions in Sections 321 and 322 of the Housing and Regeneration Act 2008. Those can be introduced only as a consequence of bringing in Section 318. If we separated these two things, we would not be able to achieve the primary objective of making a broader range of adjustments to the Mobile Homes Act which the Gypsy and Traveller community wanted and local authorities think are important. It would be possible to separate and deal with issues of security of tenure, but then we would forgo those other opportunities. That was not the proposition on which we were consulted and we feel that we could be subject to legal challenge on it.

Earl Cathcart: My Lords, in January last year there were a massive 1,276 unauthorised Traveller sites that have to be tolerated due to the special treatment given to them; a further 1,086 sites on Travellers' own land that were not tolerated; and a further 1,315 unauthorised sites on other people's land. Will the Government give councils which have provided authorised sites stronger powers to tackle unauthorised development and illegal trespass?

Lord McKenzie of Luton: My Lords, I would not accept the proposition of "special treatment", which I think was the noble Earl's phrase. We believe that the framework we have in place in terms of enforcement and encouragement of the identification of provision of sites to be the right one, and that is what the task group basically supported. The noble Earl has, however, partly put his finger on the issue that so long as 20 per cent of people living in caravans

have no authorised place to stay, there are going to be these ongoing challenges. It is therefore important that local authorities go through their requirements to identify and bring forward additional sites. A statistic that surprised me when I read the brief is that across the country, it would take in aggregate no more than one square mile to accommodate all the additional authorised sites we would need.

The Lord Bishop of Ripon and Leeds: My Lords, does the Minister accept that Gypsies, Travellers and Roma are almost invisible recipients of racial prejudice in this country, and will he work with colleagues, particularly in the education and justice departments, to ensure that appropriate provision is made for this often ignored minority ethnic group?

Lord McKenzie of Luton: My Lords, I fear that that proposition is right, which is why the Government are seeking to ensure, through a range of measures, that we support these groups. They are covered by the Equality Bill, which is just finishing its passage through your Lordships' House and we addressed them quite recently, for example, in the context of the Child Poverty Bill. The right reverend Prelate has rightly identified issues around health and education, and it is important that we move forward with measures to deal with them.

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