



HOUSE OF COMMONS

28 November 2018

Dear Justice Secretary

We write to you as Co-Chairs of the Gypsy Traveller and Roma All Party Parliamentary Group about the 'Powers for dealing with unauthorised development and encampments' consultation.

We met the Housing Minister, Kit Mathouse, on 14 November to discuss some of our concerns and as the review is a cross-departmental one, we would also appreciate the opportunity to meet with you to discuss it.

As you may be aware, Gypsy, Roma and Traveller (GRT) communities are amongst the most marginalised and vulnerable in UK society, facing multiple disadvantages across different areas of life. This has been identified by the Equalities and Human Rights Commission including in their recent *Is England Fairer?* report (2018). Amongst the issues faced are poorer health, lower educational outcomes, lack of access to culturally appropriate accommodation, and frequent exposure to racism and discrimination. Some of the disadvantages have been highlighted in the Race Disparity Audit but unfortunately due to the lack of consistent and robust ethnic monitoring data across government departments, Gypsy Roma and Traveller data was less visible.

A huge area of concern for the APPG and Gypsy and Traveller communities is the lack of suitable stopping sites. Therefore, the government review of enforcement powers is of particular interest to us, and we have outlined below some of the key issues and concerns relating to the review, including highlighting some positive solutions.

To begin with we wish to point out we feel that the consultation document had an emphasis on strengthening powers, and not enough on exploring one of the key contributing factors to the number of unauthorised encampments – the lack of permanent and transit sites, and the impact that evictions have on Gypsies and Travellers. As you know a number and variety of powers are already available to landowners, and it would be disproportionate to consider increasing these powers without addressing the issue faced by travelling families who do not have anywhere they are allowed to stop lawfully.

The joint Ministerial letter in 2015 to Council Leaders, Police and Crime Commissioners and Police Chief Constables also reminded them of the powers available to evict Travellers and raised the concern that authorities 'are not being seen to be doing enough to stop unauthorised Traveller encampments' without a mention of the importance of providing authorised pitches. We believe this approach is putting the cart before the horse and is completely impractical without available sites.

Last year, the APPG held a roundtable on Unauthorised Encampments (UEs), with an emphasis on positive solutions. The roundtable was attended by community members, NGOs, officers from a number of local authorities, a Deputy Police and Crime Commissioner, and a spokesperson for the National Police Chiefs' Council lead on Gypsies and Travellers.

Those attending this APPG event were united in their belief that workable solutions could be found without recourse to further, unnecessarily punitive legislation or extension of police powers. Indeed, we heard that the police themselves do not see the value of criminalising trespass, believing that sufficient powers to deal with UEs already exist, and that the approach has not worked in Ireland.

A number of positive suggestions were made by those attending the roundtable, echoing some of the more positive suggestions arising in last year's parliamentary debates. These solutions included:

- More site provision (both transit and permanent to meet the need).
- Negotiated stopping. This describes an agreement reached between a local authority and members of the Gypsy and Traveller communities who are travelling around the area. It is a temporary 'social contract' which outlines the terms under which families may stay on a particular piece of ground, without being evicted by the authority, for a defined limited period.
- A review of the definition of a Traveller in *Planning Policy for Traveller Sites* which requires Gypsies and Travellers to be nomadic if they wish to be considered for a pitch anywhere. This has contributed to the rise in UEs.
- The reintroduction of a statutory duty on local authorities to provide sites, which formerly existed under the Caravan Sites Act and was responsible for the creation of most of the sites in the country.

The ODPM / HO produced *Guide to effective use of enforcement powers. Part 1: Unauthorised encampment* (2006) refers to the crucial relationship between the provision of appropriate sites and unauthorised encampments as follows:

'The most effective method of combating unauthorised camping is to provide sites in accessible locations for those Gypsies and Travellers who pass through the area. This may not be limited to official residential and transit sites; it might also include particular locations which have been identified in the district where Gypsies and Travellers can stop for limited and agreed short periods of time, without having any adverse impact on the settled community.'

We fully support this position, but we must point out that in reality very little is being done to provide more socially rented pitches sites. We appreciate this information regards use of planning powers, so not within your responsibilities, but it is important that you are aware of the broader issues regarding the lack of site provision during your assessment of the review of enforcement powers. We identify some of the issues below:

- There has been only been a 2% increase in socially rented pitches between 2010 and 2017; an insufficient number to address even natural growth through household formation, let alone a historic lack of pitches for Gypsy and Traveller families.
- There has been an increase in private pitch provision between 2010 and 2017, but there are still insufficient numbers of new pitches to meet Gypsy and Traveller families' needs. Many Gypsy and Traveller families cannot buy land or gain planning permission for private sites.
- Building a local Gypsy/Traveller site can be a political hot potato, and as a result many local authorities are not identifying land to meet their assessed need for more pitches, as required in *Planning Policy for Travellers* (PPTS). Two organisations conducted research in 2016 which evidenced this, showing that only 10 out of 66 local authorities in the South East and only 15 out of 70 in the East and West Midlands were identifying land to meet the need for more Traveller pitches. There are no monitoring mechanisms for this specifically and no sanctions in place for local authorities who ignore this requirement and the new Housing Delivery Test is unlikely assist in this.
- The PPTS definition has meant that not all Gypsies and Travellers are assessed as requiring a pitch, meaning that not all Gypsies and Travellers who need a place to live in their caravan are being captured and provided for in Local Plans.
- It is quite evident, by the very existence of unauthorised encampments, that Local Plans are not sufficiently including Gypsy and Traveller site provision. Without strong representations being made by GRT support groups or their private planners then independent inspectors of Local Plans are not identifying issues of the lack of site provision.
- The lack of will to build pitches is also clear from the lack of take up of government grants for building them. There were only four completed pitches under the Affordable Homes Programme (2015–2018), and when we checked in March 2018 only one successful bid to the Shared Ownership and Affordable Homes Programme (2016-2021) for a transit site.

So, we assert that adequate provision of sites is very unlikely to happen without strong political leadership both nationally and locally on this issue. We urge you to consider these factors during the review and would also welcome a ministerial letter to all local authorities about ensuring the unmet need for sites is met,.

The cycle of constant evictions which results has serious health and social implications for Gypsy and Traveller families, many of whom cannot access basic water and sanitation, and experience difficulties in accessing services such as education and healthcare. The lack of available pitches is a major contributing factor to families being forced to camp in public spaces, where they are often the victim of race hate crime, and the existence of roadside camps can lead to damaging relationships with the settled community.

We understand that some of the concerns from residents and parliamentarians relating to unauthorised encampments are due to incidents of anti-social behaviour, which has included fly-tipping, but this needs to be treated as a criminal matter in those individual cases.

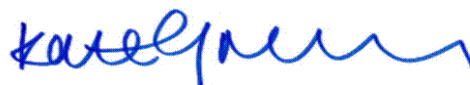
We would also like to draw your attention to the fact there have been a number of recommendations in international committee reports on the need for better site provision, negotiated stopping and needed revisions to planning policy affecting Travellers, including the European Commission against Racism and Intolerance, UN Committee on the Convention on the Elimination of All Forms of Racial Discrimination, the UN Committee on Economic, Social and Cultural Rights, and the Advisory Framework on the Convention for the Protection of National Minorities, and we urge you to take note of these reports and the need for positive solutions. It is also crucial to remember that UK government has a positive obligation to 'facilitate the Gypsy way of life'.

We urge you to read the very helpful Equalities and Human Rights Commission submission to the review which, as well as highlighting some positive examples of local authorities who are using a workable approach, also draws attention to that fact that the root cause of many of the inequalities experienced by Gypsies and Travellers is the accommodation crisis they face. If the government are committed to addressing race disparity, they must do more to ensure suitable authorised sites are available and not increase enforcement powers.

On a final note, we wish to raise the issue of the increasing use of wide injunctions where effectively blanket bans are being used to stop Travellers from stopping across a borough or city, applying to all under 'Persons Unknown'. We have been notified that they are being used in 22 areas. We feel that use of these powers are disproportionate and are concerned that this is having an unjustified impact on Gypsies and Travellers.

We would very much welcome the opportunity to meet you to discuss in more detail some of the issues raised in this letter. For your information I am also writing to the Home Secretary regarding this matter.

Yours sincerely



Baroness Janet Whitaker and Kate Green MP
Co-Chairs, All-Party Parliamentary Group for Gypsies Travellers and Roma