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RAXEN National Focal Point

Thematic Study

Housing Conditions of Roma and  
Travellers

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**Centre for Rights, Equality and Diversity**

THE UNIVERSITY OF  
**WARWICK**

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DISCLAIMER: This study has been commissioned as background material for a comparative report on housing conditions of Roma and Travellers in EU Member States by the European Union Agency for Fundamental Rights. The views expressed here do not necessarily reflect the views or the official position of the FRA. The study is made publicly available for information purposes only and does not constitute legal advice or legal opinion.

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## Executive summary

**Background to the study.** This report is a culmination of the various forms of research undertaken by the UK NFP for the FRA Thematic Study ‘Housing Conditions of Roma and Travellers’. The reporting period for this report looks at the housing conditions of Roma and Travellers across the UK between 2000 and 2009. This study has utilised both desk-bound research and interviewing strategies to provide the materials within.

It is an established fact that Gypsies, Roma and Travellers (GRT) fare worse in comparison to other ethnic groups in terms of health and education, the life expectancy of Gypsy men and women being ten years lower than the national average. Their harsh situational experience is further exacerbated by the highly inadequate availability of housing to suit their needs (cultural and otherwise), and also the conditions in which they are forced to live.

Time and time again, we have highlighted in this report the clear disparity between GRTs and the settled community, as well as the inverse relationship between GRTs and the inadequate and often inhumane accommodation available to them. These inequalities are worrying because of the scale and extent of their occurrence, and how they correspond to, and are perpetuated by, the existing housing situation. When one takes into account the further occurrences of – in the case of GRT groups – unequal access to health care, education, and employment opportunities, the cycle of severe social deprivation and social exclusion becomes clear.

The absence of sufficient authorised residential and transit sites means that many, including those who would prefer to live in long-term residential accommodation, camp unlawfully; this results in GRTs becoming officially ‘homeless’, leading to regular ‘enforced’ nomadism through constant evictions.<sup>1</sup> Furthermore, the lack of sanctioned sites for GRTs leads to unauthorised encampments, from which they are constantly evicted. The effect of repeated evictions are seen to directly affect the health, education and employment prospects of this group of people.

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<sup>1</sup> Niner, 2002.

The development of planning policy is just one part of a process which has at its base recognises inequalities, poor life experiences and outcomes, and the social exclusion of many Gypsies and Travellers. There needs to be a parallel development of strategy and policy beyond land-use planning. The provision of sites, unless accompanied by other actions, will not solve the issues of equality and social exclusion which affect Gypsies and Travellers. Their isolation and exclusion will continue.

**Legal and policy framework.** This report has been able to make clear that though government efforts are clearly on the 'policy agenda' for marginalised groups, there is clearly a time-lag before any implementations become firmly in place. These are further exacerbated by the changing nature of the devolved government administrations, which have seen that England, Wales, Scotland and Northern Ireland operate in different ways to deal with their respective GRT populations. Even more problematic for these groups, the department responsible for overseeing the governance of GRT issues, as noted in the case of Northern Ireland has 'changed hands' several times over the reporting period. This is clearly reflected in the way information has been fed to the report via officials, who themselves are not often aware which departments are currently taking responsibility for GRT needs.

**Case Law.** As this report shows, nor do the courts come to the aid of GRT groups, with judges preferring to adhere to national policy even if it is discriminatory. This is mirrored by the European Court of Human Rights.

### **Main findings from the study**

In 2006, the government introduced a new national strategy to address the shortage of accommodation for Gypsies and Travellers.

It was as a result of the new circular No.1/2006 from the Office of the Deputy Prime Minister (ODPM) that updated guidance was provided on the planning aspects of finding sites for Gypsies and Travellers, and how local authorities could work with those groups to achieve this aim. This placed a duty on all local authorities to undertake needs assessment (Gypsy and Travel Accommodation Assessments - GTAA) in their own areas. It became a requirement from then on that all local authorities would have **to allocate land for Gypsy and Traveller sites within their local plans.**

It required that Regional Assemblies needed to find the quickest way to incorporate Gypsy and Traveller issues into Regional Spatial Strategies. New funding was made available from a regional housing fund, allocated by regional housing boards in the same way as mainstream housing.

There is some light at the end of a very long and dark tunnel, as the section on good practices demonstrates. The government has pledged, via the Homes and Communities Agency (HCA) to provide £32 million in funding for GRT communities.<sup>2</sup>

To date, there has been no policy drive to challenge or discuss the changing position of women in Gypsy and Traveller communities in the UK. There are also no comprehensive data on women, the disabled or health-related aspects of GRT groups.

There is no mechanism in place of any sort across the UK which collates GRT groups' complaints, etc.

The issues of Traveller families with or without disabled children, problematic access to health services, and the lack of contact between many Gypsies and Travellers and social services, raise serious concerns that the exclusion of disabled Gypsy and Traveller children will be exacerbated, especially where the need arises for caravan adaptations.

There is a growing sentiment and reliable body of evidence from across the country which justifies further work on the numbers side of the needs assessments. In particular, there needs to be some revision to the way caravan counts are carried out, with some basic truths established, by ensuring that the local authority data collectors are accompanied by local GRT groups. This would help make certain that all sites are covered, as well as provide an independent validation of local authorities' data sampling.

This study provides a picture of the GRT experience across the UK, with the data and material available to us. However, it can be said that although the planned policies are a step in the right direction, there is still some way to go in providing equity for GRT groups in a way that indicates that they too can participate in civil society with the same benefits as others.

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<sup>2</sup> [http://www.homesandcommunities.co.uk/32million\\_available\\_2009\\_10\\_Gypsy\\_Traveller\\_Sites](http://www.homesandcommunities.co.uk/32million_available_2009_10_Gypsy_Traveller_Sites)

# 1. DESK RESEARCH

## 1.1. Legal and policy framework

The United Kingdom is a unitary state in which central government substantially directs most government activity. However, the devolution of the Scottish Parliament, the National Assembly for Wales, and the Northern Ireland Assembly have led to the need for a redefinition of service provision. This has resulted in the structure of services in Scotland, Wales and Northern Ireland differing in certain respects. Each region has both a Secretary of State and administrative department situated in central government, and its own assembly and executive, which take on the role in the region of certain central government ministries. Some of the laws which apply in Scotland and Northern Ireland are different from those in England and Wales. The Scottish Parliament has, in consequence, very much more influence than the Welsh Assembly; and the Scottish Government has the role of a civil service for Scotland, with a social policy in its own right. The administrative structure in Northern Ireland is significantly different: public housing is managed by Northern Ireland Housing Executive (by the Department for Social Development). In Wales, the departments sharing responsibility for housing matters are those of the Environment, Sustainability, Housing for Social Justice, and Local Government.

### 1.1.1. Protection of the right to adequate housing in national legislation, both general and Roma/Traveller-specific

The Housing Act 2004<sup>3</sup> and the Planning and Compulsory Purchase Act 2004<sup>4</sup> now place a statutory duty on local and regional authorities to assess Gypsy and Traveller accommodation needs and develop strategies to meet those needs. Where councils fail in this duty, the Secretary of State has the power to intervene and require the council to do so.<sup>5</sup>

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<sup>3</sup> Housing Act 2004 c. 34.

<sup>4</sup> Planning and Compulsory Purchase Act 2004 c. 5.

<sup>5</sup> Mobile Homes Act 1983 c. 34.

The UK has incorporated the European Convention on Human Rights into its law through the Human Rights Act 1998. The provisions therein do offer protection, however, there is no right to adequate housing under UK law.

### 1.1.2. Protection against forced evictions, including the provision of alternative accommodation in cases of forced evictions, both general and Roma/Traveller-specific

Unlike the owners of privately run sites, housing associations, and local authority landlords, local authorities running Gypsy sites are not required to prove allegations against tenants under the Mobile Homes Act 1983.<sup>6</sup>

There was an amendment to the Mobile Homes Act 1983 which came into effect in 2006.<sup>7</sup> It noted that in any proceedings, 'the court' had to be satisfied that the occupier is not occupying the mobile home as the only or main residence; if it considered this to be the case, it would be reasonable for the agreement to occupy the land to be terminated.

The **Criminal Justice and Public Order Act 1994**<sup>8</sup> removes the duty of local councils to provide authorised pitches and gives the council and police the power to move travellers on, subject to certain welfare issues. The official response of the government to this problem is that travellers should buy land and apply for planning permission to occupy it. However, those that have done so found it extremely difficult to get planning permission, with more than 90 per cent of applications by travellers refused.<sup>9</sup>

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[http://www.lexisnexis.com/uk/legal/results/docview/docview.do?docLinkInd=true&risb=21\\_T579354\\_6432&format=GPNBFULL&sort=JUDGMENT-DATE,D,H,\\$PSEUDOLOS,K,A,H&startDocNo=1&resultsUrlKey=29\\_T5793546435&cisb=22\\_T5793546434&treeMax=true&treeWidth=0&csi=274793&docNo=1](http://www.lexisnexis.com/uk/legal/results/docview/docview.do?docLinkInd=true&risb=21_T579354_6432&format=GPNBFULL&sort=JUDGMENT-DATE,D,H,$PSEUDOLOS,K,A,H&startDocNo=1&resultsUrlKey=29_T5793546435&cisb=22_T5793546434&treeMax=true&treeWidth=0&csi=274793&docNo=1)

7 The Mobile Homes Act 1983 (Amendment of Schedule 1) (England) Order 2006.

8 Criminal Justice and Public Order Act 1994, chapter 33.

9 The NFP spoke with the Gypsy Roma Traveller Achievement Service to further qualify the figure of 90 per cent. The source of this figure was not confirmed, but is being investigated. This was listed quite some time ago, and government departments tasked with GRT responsibilities have also changed. See:

<http://www.grtleeds.co.uk/Accommodation/index.html>



## Northern Ireland

In **Northern Ireland**, the Unauthorised Encampments Order 2005<sup>10</sup> gives the police the power to direct people who camp illegally to leave the land and to remove their vehicles and other property in certain circumstances. Those who refuse to comply may have their vehicles seized and, if prosecuted, face imprisonment and a fine of up to £2,500.<sup>11</sup> In terms of any measures of protection for Travellers, the Equality Commission's initial response to the Draft of this Order has suggested that the proposed legislation may in fact be in breach of a range of international instruments, including the International Convention on the Elimination of All Forms of Racial Discrimination and the Council of Europe Framework Convention for the Protection of National Minorities.

There was some indication<sup>12</sup> that the Department for Social Development would try to mitigate the eviction of travellers, given that their chosen lifestyle includes nomadism:

The Department will also continue to operate its existing Cooperation Policy in respect of Travellers. This does not create a right to long-term occupation of land and is seen as a humane requirement to address immediate need and not as a substitute for permanent accommodation. It is used where Travellers occupy public land for which there is no current or immediate use and provided that the occupation:<sup>13</sup>

- (i) does not constitute a measurable public health hazard or cause pollution to water supplies;
- (ii) does not create a traffic hazard; and is maintained in a reasonable and orderly manner.<sup>14</sup>

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<sup>10</sup> Unauthorised Encampments (Northern Ireland) Order 2005/1961. See: <http://www.legislation.gov.uk/si/si2005/05em1961.htm>

<sup>11</sup> Response to the DSD's Draft Unauthorised Encampments (NI) Order 2004. See: <http://www.equalityni.org/archive/word/FinCommRespUnauthorisedEncampmentsOrder131204.doc><http://www.northernireland.gov.uk/search.lsim?ha=0&mt=1&nh=10&qt=unauthorised&sc=&sm=0&sr=50>

<sup>12</sup> [http://www.dsdni.gov.uk/eqia\\_unauthorised\\_encampments.doc](http://www.dsdni.gov.uk/eqia_unauthorised_encampments.doc)

<sup>13</sup> See paragraph 4.1, under Section 4: Mitigation, [http://www.dsdni.gov.uk/eqia\\_unauthorised\\_encampments.doc](http://www.dsdni.gov.uk/eqia_unauthorised_encampments.doc)

<sup>14</sup> See paragraph 4.2, under Section 4: Mitigation [http://www.dsdni.gov.uk/eqia\\_unauthorised\\_encampments.doc](http://www.dsdni.gov.uk/eqia_unauthorised_encampments.doc)

### 1.1.3. Laws and regulations of relevance to housing affecting Roma and Travellers

Articles of the **European Convention on Human Rights**<sup>15</sup> (ECHR), and latterly the Human Rights Act 1998, affords rights and protections which should be enjoyed by all, without discrimination on the grounds of 'sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status'. In particular, Article 8 states that 'everyone has the right to respect for his private and family life, his home and his correspondence'.

There is no longer a statutory obligation for local government to provide accommodation for Travellers. Such an obligation did exist under the Caravan Sites Act of 1968.<sup>16</sup>

The **Criminal Justice and Public Order Act 1994**<sup>17</sup> removed the duty of local councils to provide authorised pitches and giving local councils and police powers to move Travellers on, subject to certain welfare issues. Section 62A of the Criminal Justice and Public Order Act 1994 (as amended) gives police forces a greater power to evict people from unauthorised encampments, as long as there is a suitable local authority site to which they can be directed. The official response of the government was that Travellers should buy land and apply for planning permission to occupy it. We are unable to say this law is unreasonable or disproportionately affects GRTs.

Under changes made by the **Housing Act 2004**, in section 225,<sup>18</sup> local housing authorities (LHAs) are required to review the accommodation needs of Gypsies and Travellers in their areas. As a result of the ODPM policy review on Gypsy and Traveller accommodation, a number of measures have been taken to address their accommodation needs. Under a new draft circular, Regional Spatial Strategies were put in place to provide Traveller sites.<sup>19</sup>

Anti-Social behaviour may be seen as encroaching on another's rights to peacefully live or work (for example excessive noise during the day, or

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<sup>15</sup> Convention for the Protection of Human Rights and Fundamental Freedoms (as amended by Protocol No.11).

<sup>16</sup> The Caravan Sites Act 1968, chapter 52.

<sup>17</sup> The Criminal Justice and Public Order Act 1994, chapter 33.

<sup>18</sup> Housing Act 2004, chapter 34, section 225.

<sup>19</sup> <http://www.publications.parliament.uk/pa/jt200405/jtselect/jtrights/88/8810.htm>

especially at night), obstructing public rights of way, creating litter, etc. Chapter 38 of the **Anti-Social Behaviour Act 2003**<sup>20</sup> gives the police increased eviction powers, where local authorities are able to provide alternative site pitches or stopping places. Section 60 inserts a new section 62A into the Criminal Justice and Public Order Act 1994<sup>21</sup> so as to create a new power for a senior police officer to direct a person to leave land, and to remove any vehicle or other property on that land. In addition, it must appear to the senior police officer, after consultation with the local authority, that there are relevant caravan sites with suitable pitches available to which the trespassers can move.

The **Purchase Act 2004**<sup>22</sup> gives local authorities new powers to issue temporary 'stop' notices to prevent unauthorised development, without needing an enforcement notice. This means that the land is to be used (by travellers) only as a temporary measure; it can not be utilised for permanent development purposes.

## Scotland

In **Scotland**, the structure and application of the law in relation to unauthorised encampment is not entirely clear. There are various civil and criminal law provisions which have the potential to impact on unauthorised camping. The police can, of course, deal with any criminal activity where they have powers to do so. For example, the police have powers to arrest and detain persons who commit a crime, which can range from statutory offences to common law offences.

**Criminal Justice and Public Order Act 1994**<sup>23</sup>: Trespass and the removal of vehicles: section 61 deals with police powers to remove trespassers of land; and section 62 provides supplementary powers of seizure and imposes criminal sanctions.

Section 19 of the **Crime and Disorder Act 1998**<sup>24</sup> deals with anti-social behaviour orders and, in essence, allows a local authority to make an application for a section 19 order from the appropriate sheriff where it considers that a person or persons have either acted in an anti-social manner or have taken part in anti-social conduct within the meaning of that section.

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<sup>20</sup> Anti-Social Behaviour Act 2003, chapter 38.

<sup>21</sup> Criminal Justice and Public Order Act 1994, chapter 33, section 62A.

<sup>22</sup> Planning and Compulsory Purchase Act 2004 c.5

<sup>23</sup> [http://www.opsi.gov.uk/acts/acts1994/ukpga\\_19940033\\_en\\_1](http://www.opsi.gov.uk/acts/acts1994/ukpga_19940033_en_1)

<sup>24</sup> Crime and Disorder Act 1998, chapter 37, section 19 (relating to Scotland).

Within the **Human Rights Act 1998**<sup>25</sup> was created the statutory requirement to read all legislation (past and present) in accordance with the provisions of the European Convention. In relation to public bodies, section 6(1) states that ‘it is unlawful for a public authority to act in a way which is incompatible with a Convention right’.

#### 1.1.4. Laws and regulations dealing with specific issues concerning the housing of Roma and Travellers

**Temporary Stop Notices:**<sup>26</sup> provisions have been introduced in Part 4 of the Planning and Compulsory Purchase Act 2004 which inserted sections 171E to 171H to the Town and Country Planning Act 1990. Under these new rules, where the local planning authority considers that there has been a breach of planning control and it is necessary in order to safeguard the amenities of the area that the activity that amounts to the breach should stop immediately, section 171E enables the local planning authority to issue a temporary stop notice. This differs from normal stop notice powers, because the temporary stop notice does not have to wait for an enforcement notice to be issued. In addition, the effect of a temporary stop notice is immediate: it is not necessary to wait three days before the notice takes effect or give reasons why it will take effect immediately.

In oral evidence, the Gypsy and Traveller Law Reform Coalition (G&TLRC) told the Joint Committee on Human Rights that stop notices have in practice been used in a discriminatory way, aimed disproportionately at Gypsies and Travellers. The variable treatment of the homes of Travellers permitted by the regulations is at risk of breaching both the obligations under the Committee on the Elimination of Racial Discrimination (in particular Article 2.1(a), Article 5(e)(iii)), and Article 14 ECHR read with Article 1 of Protocol 1 ECHR.<sup>27</sup>

**Security of Tenure:**<sup>28</sup> under the Mobile Homes Act 1983, section 5(1),<sup>29</sup> local authority Traveller sites are exempt from its protection and requires

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<sup>25</sup> The Human Rights Act 1998, chapter 42.

<sup>26</sup> ODPM Circular 02/2005, 7 March 2005. See: [http://www.planningapplications.co.uk/Circular\\_0205\\_Temporary\\_Stop\\_Notice.pdf](http://www.planningapplications.co.uk/Circular_0205_Temporary_Stop_Notice.pdf)

<sup>27</sup> Joint Committee on Human Rights – Fourteenth Report, 16 March 2005. See: <http://www.publications.parliament.uk/pa/jt200405/jtselect/jtrights/88/8810.htm>

<sup>28</sup> Joint Committee on Human Rights – Fourteenth Report, 16 March 2005. See: <http://www.publications.parliament.uk/pa/jt200405/jtselect/jtrights/88/8810.htm>

<sup>29</sup> Mobile Homes Act 1983 (Amendment of Schedule 1) (England) Order 2006/1755.

that eviction be on the basis of a court order. Following *Connors v UK*, amendments were made to the Bill in response to the ECHR judgment. However, the equal protection of the Mobile Homes Act was not extended to local authority Gypsy sites. Instead, section 209 of the 2004 Act extends the meaning of 'protected site' in the Caravan Sites Act 1968 to include sites owned by county councils providing accommodation for Gypsies; and section 211 allows the courts the discretion, under section 4 of the Caravan Sites Act 1968, to suspend the enforcement of eviction orders from local authority caravan sites for up to 12 months.

### **Northern Ireland**

**Unauthorised Encampments in Northern Ireland:**<sup>30</sup> the Anti-Social Behaviour Act 2004 (section 60) empowers the police to direct those trespassing on land, residing there, and having more than one vehicle on the land, to move to an alternative vacant site. In its written evidence, the G&TLRC raised concerns that this legislation would be used to move Travellers to unsuitable sites, and would lead to them frequently moving between local authority areas, thus deepening social exclusion. There is no information on record as to whether the Anti-Social Behaviour Act is being used against Travellers.

Discrimination against Travellers:<sup>31</sup> it is unequal access to adequate and culturally appropriate accommodation, however, which lies at the root of many of the inequalities that face Gypsies and Travellers. In their evidence to the Joint Committee on Human Rights, the G&TLRC emphasised the consequences of insecurity of tenure for the health and education of Travellers, and the Children's Society testified to the detrimental impact which eviction and the lack of secure sites had on the welfare of Traveller children.

Given the disproportionate impact of the measures on the Gypsy and Traveller community, there is a significant risk that they could be implemented in a way that is indirectly discriminatory in breach of the Committee on the Elimination of Racial Discrimination. These considerations should be central to the implementation of these powers, the application of which should be monitored to ensure against discrimination.

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<sup>30</sup> The Anti-Social Behaviour Act 2004 (Northern Ireland), section 60.

<sup>31</sup> Joint Committee on Human Rights – Fourteenth Report, 16 March 2005. See: <http://www.publications.parliament.uk/pa/jt200405/jtselect/jtrights/88/8810.htm>

### 1.1.5. Specific protection of Roma and Travellers' rights in national legislation

#### **Protection against race discrimination under UK law<sup>32</sup>**

The Right of Individual Petition 33 offers no protection. The right to individual petition under Article 14 applies only in relation to states which have entered declarations under Article 14 accepting these provisions. The UK has not accepted the right of individual petition.

Equality Act 2006<sup>34</sup> is an Act which: makes provision for the establishment of the Commission for Equality and Human Rights; dissolves the Equal Opportunities Commission, the Commission for Racial Equality and the Disability Rights Commission; makes provision about discrimination on grounds of religion or belief; enables provision to be made about discrimination on grounds of sexual orientation; imposes duties relating to gender discrimination on persons performing public functions; amends the Disability Discrimination Act 1995; and has other related purposes.

#### **Wales<sup>35</sup>**

There is legislation that is applicable to both England and Wales, for example, section 225 of the Housing Act 2004 concerning Gypsy and Traveller Accommodation Assessments, and the Education Act 1996. However, in Wales, there are broader legal requirements in relation to equality than in England. These state that: 'The Assembly shall make appropriate arrangements with a view to securing that its functions are exercised with due regard to the principle that there should be equality of opportunity for all people'.

Chaney and Fevre<sup>36</sup> argue that 'the Welsh duty is unique because of its non-prescriptive phrasing and all-embracing scope', and is an absolute duty with no derogation clauses. The Welsh model has had the potential to address shortcomings in the existing UK framework: 'It does not

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<sup>32</sup> Joint Committee on Human Rights – Fourteenth Report, 16 March 2005. See: <http://www.publications.parliament.uk/pa/jt200405/jtselect/jtrights/88/8805.htm>

<sup>33</sup> Joint Committee on Human Rights – Fourteenth Report, 16 March 2005. See: <http://www.publications.parliament.uk/pa/jt200405/jtselect/jtrights/88/8805.htm>

<sup>34</sup> Equality Act 2006, chapter 3.

<sup>35</sup>

<http://www.equalityhumanrights.com/Documents/Inequalities%20experienced%20by%20Gypsy%20and%20Traveller%20communities%20-%20a%20review.pdf>

<sup>36</sup> 2002, p. xv.

privilege specific groups or apply to prescribed areas of government. It requires government to be proactive in all equality matters. It conveys legally enforceable rights in regard to the actions that might be expected from elected representatives. It has the potential to shift power back towards the citizen, [and] it facilitates an holistic approach to the promotion of equality.’<sup>37</sup>

### **Scotland**<sup>38</sup>

Scottish GRTs have not, until very recently, been recognised by law as an ethnic minority, and were thus in an anomalous position *vis-a-vis* Irish Travellers and Gypsies<sup>39</sup> (who are subject to the protection of the Race Relations Acts under English case law, which is influential but not binding in Scotland. However, the Scottish Parliament and Executive, the Association of Chief Police Officers of Scotland (ACPOS) and the Convention of Scottish Local Authorities (COSLA) all recommended that Scottish GRTs should be regarded as a ‘minority ethnic’ group in relation to public policy and legislation<sup>40</sup> prior to their official recognition as an ethnic minority group.

Scotland relies on the Housing (Scotland) Act 2001<sup>41</sup> for requirements of local authorities to prepare Local Housing Strategies (LHS), and on strong guidance from Communities Scotland (the equivalent of Communities and Local Government (CLG) in England and Wales) on the inclusion of Scottish GRTs’ accommodation needs when preparing LHS.<sup>42</sup>

Since the devolution of power, the Scottish Parliament has taken a renewed interest in the situation of Scottish GRTs. Following the influential ‘Moving Targets’ report<sup>43</sup>, which detailed institutional racism and widespread inequalities experienced by Scottish Gypsies / Travellers, and the recommendations of the Advisory Committee on Scotland’s Travelling People in 1999, the Scottish Parliament published a briefing

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<sup>37</sup> Chaney & Fevre, 2002.

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<http://edit.equalityhumanrights.com/Documents/Race/Services/Inequalities%20experienced%20by%20Gypsy%20and%20Traveller%20communities%20-%20a%20review.pdf>

<sup>39</sup>[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)

<sup>40</sup> CRESa, 2006, p. 8.

<sup>41</sup> The Housing (Scotland) Act 2001, p 10.

<sup>42</sup> Scottish Executive, 2001a, 2004; Communities Scotland, 2006.

<sup>43</sup> Morran *et. al.*, 1999.

note in 2000 which summarised the current state of knowledge about Travelling people.

An updated response to the Equal Opportunities Commission (EOC) inquiry, 'Delivering for Scotland's Gypsies / Travellers', was issued in 2004 by the Scottish Executive. Amongst other recommendations, it noted that Scottish Gypsies / Travellers should be clearly identified as a specific community of interest; it required the consultation with and participation of Scottish Gypsies / Travellers in public service delivery and access to community development initiatives; and it also advocated the promotion of employment of Scottish GRTs in public services.<sup>44</sup>

In response to the findings of the 2005 EOC report, the Scottish Executive established a short-life Strategic Group on Scottish Gypsies / Travellers, a body which included representatives from a range of agencies and organisations that were working closely with those communities.

### **Northern Ireland**

The Bill of Rights (2008):<sup>45</sup> clause 17, page 92, in relation to housing, notes that there is currently inadequate provision for Travellers' needs. Submission 303, submitted by the Accommodation for Travellers Action Group, outlines its concerns regarding needs for travellers, in relation to the Bill of rights.<sup>46</sup>

#### **1.1.6. Legislative or administrative decisions regarding 'ethnic' data collection, related to the collection of housing-related data identifying racial/ethnic origin**

All EU instruments requiring the recording of ethnic data leave domestic legislation a broad discretion to develop procedures and implement standards for the protection of personal data. The UK has an advanced anti-discrimination framework in place, providing for gathering data on the basis of ethnicity and race (the Race Equality Strategy);<sup>47</sup> there is provision therefore at the national level to gather data on groups, based on ethnicity. There are problems collating data in the UK, as attested

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<sup>44</sup> Scottish Executive, 2004, p. 1.

<sup>45</sup> Northern Ireland Bill of Rights (2008).

<sup>46</sup> See: [http://billofrights.nihrc.org/submissions/submission\\_303.pdf](http://billofrights.nihrc.org/submissions/submission_303.pdf)

<sup>47</sup> Northern Ireland: <http://www.ofmdfmi.gov.uk/race-equality-strategy.pdf>



recently by the Commission for Racial Equality in Scotland,<sup>48</sup> where gaps have been identified. The race equality duty requires all public authorities to collect ethnic data;<sup>49</sup> therefore local councils collect such information.

‘Common ground: Equality, good race relations and sites for Gypsies and Irish Travellers’ published by the Commission for Racial Equality (CRE), May 2006.<sup>50</sup> Few local authorities have assessed the way their policies on Gypsy sites will affect race equality, in line with their statutory requirements; none have even considered their effect on race relations, even though two thirds report tensions in their areas with this matter. Only 34 per cent of local authorities have carried out an assessment of Gypsies’ and Irish Travellers’ needs for accommodation, and 28 per cent have no plans to do so. This means they are unable to develop informed site policies, or deal with unauthorised encampments and developments which result from unmet needs.

## **The Law**

The Race Relations (Amendment) Act 2000 guards against discrimination and gives public authorities a general duty to monitor policy and service delivery for different ethnic groups. This duty encourages the collection of statistical data on ethnicity to assess the likely impact of services and policies on different ethnic groups and to monitor any adverse impact. Other laws that protect the confidentiality of data about living individuals (‘personal data’) and that give individuals rights to privacy or to access information held about them by public authorities are: the Human Rights Act 1998; and the Freedom of Information Act 2000.

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<sup>48</sup> Scotland:  
<http://209.85.229.132/search?q=cache:urlAIENaG4IJ:chinesesex.herechina.net/sitearchive/cre/scotnews/CRE%2520response%2520to%2520improving%2520statistical%2520services%2520in%2520Scotland.doc+Scotland+race+Equality+Data+monitoring&cd=2&hl=en&ct=clnk&gl=uk>

<sup>49</sup> England and Wales: <http://83.137.212.42/sitearchive/cre/duty/ethnicmonitoring.html>

<sup>50</sup> See: [http://83.137.212.42/sitearchive/cre/downloads/commonground\\_report.pdf](http://83.137.212.42/sitearchive/cre/downloads/commonground_report.pdf)

### 1.1.7. General public policy on housing (e.g. action plans and strategies) targeting specifically the Roma and Traveller housing situation, on the national, regional and local levels

The Scottish Government has published the findings and outcomes of its data collection on local authority sites for Travellers.<sup>51</sup> The survey was commissioned to provide an up-to-date picture of sites across Scotland from the perspectives of public providers and local authorities.

In 1994, the Scottish Government removed the obligation for local authorities to provide sites for Gypsies and Travellers. These groups were expected to provide for themselves, but many lacked the means to do so; restrictive, criteria-based planning policies often meant it was extremely difficult even for those with the necessary resources to obtain planning permission for a site. In 2004, in the face of considerable public anxiety over the difficulties caused by unauthorised encampments, the government took action to change the planning framework.<sup>52</sup> The Housing Act of 2004 provides the foundation for the new framework for site provision, requiring local housing authorities to carry out Gypsy and Traveller Accommodation Assessments (GTAAAs) alongside reviews of housing needs for the rest of the community.<sup>53</sup>

Planning for Gypsy and Traveller Caravan Sites – ODPM Circular No.01/2006:<sup>54</sup> this replaces Circular No.1/94, ‘Gypsy Sites and Planning’ and provides updated guidance on the planning aspects of finding sites for Gypsies and Travellers, and how local authorities can work with these groups to achieve that aim. The policies in this Circular apply throughout England.

The key objective of ODPM Circular No.1/2006 was to achieve adequate site provision nationwide, as well as to help promote good community relations at the local level. It therefore required a needs assessment of available pitches. Developments since then have varied from one region to the next, and information is not yet widely, publicly available. We have managed to access some information about the outcomes of these needs assessments which local councils have been required to conduct.

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<sup>51</sup> See: <http://www.scotland.gov.uk/Publications/1999/01/c96c4c4a-a62b-4492-8bc4-dd4731d1aeb0> and <http://www.scotland.gov.uk/Publications/2004/06/19513/39160>

<sup>52</sup> Page 10 of the report.

<sup>53</sup> Page 11 of the report.

<sup>54</sup> <http://www.communities.gov.uk/documents/planningandbuilding/pdf/circulargypsytraveller.pdf>

For example, one of this report's interviewees has provided some data showing pitch number requirements for the West Midlands region. (See Annex 1, additional information under section 1.1.7.)

Other post-Circular reports (for example, in Somerset<sup>55</sup>), mainly state the same: that there are insufficient pitches to serve the needs of GRT groups.

Recent parliamentary debates (e.g. 20 January 2009) on the impact on Travellers and Gypsies of ODPM Circular No.1/2006, are discussed as follows. '[T]he Government have no plans to revise the guidance contained in ODPM Circular 1/06', and it would 'be publishing good practice guidance on the management of Gypsy and Traveller sites shortly'. Furthermore, the 'The Homes and Communities Agency will continue to provide funding for the provision of new public sites'.<sup>56</sup> (At time of writing, guidance is still being awaited.)

'The Road Ahead: Final Report of the Independent Task Group on Site Provision and Enforcement for Gypsies and Travellers'<sup>57</sup> published December 2007 by the Department for Communities and Local Government (DCLG): this report, in its recommendations, followed the same route many others had; this is summarised hereon.

There were not enough pitches available; and where there was not a Regional Spatial Strategy in place, a development plan document needed to be implemented with the utmost urgency.

There was a need to engage with the GRT community. Police should publish their policies on dealing with unauthorised encampments.

The Task Group on Site Provision and Enforcement was set up in 2006, in the face of intense public concern about problems relating to unauthorised encampments and developments by Gypsies and Travellers. At the same time, these groups themselves were experiencing severe disadvantages, with education and health outcomes far poorer than for the settled community. The crucial questions were: why it was so difficult to take action against sites that were causing such serious problems; and what could be done to make the process faster and more

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<sup>55</sup> <http://www.westsomersetonline.gov.uk/minutes/Agenda%20item%2010%205.02.07.pdf>

<sup>56</sup> <http://www.publications.parliament.uk/pa/cm200809/cmhansrd/cm090120/text/90120w0006.htm>

<sup>57</sup> <http://www.communities.gov.uk/documents/housing/pdf/roadahead.pdf>

effective. The Task Group was established by ministers to bring together key players with a range of different perspectives to answer those questions.<sup>58</sup>

The vast majority of local authorities do not collect ethnic monitoring data on the outcomes of their services for Gypsies and Irish Travellers in their area, despite CRE advice to include sub-categories for Gypsies and Irish Travellers in their local ethnic-monitoring systems. Authorities collect some information about Gypsies and Irish Travellers through the Traveller Education Service and the biannual caravan count, but this is not generally used to inform or plan their services.

### **Scotland**

‘Guidelines for managing unauthorised camping by Gypsies/ Travellers’, Consultation paper, 2004,<sup>59</sup> from the Development Department, Housing Division 1: this consultation paper sets out draft proposals for local authorities, in conjunction with local police forces, for consideration when developing and implementing a strategy on managing unauthorised camping.

Evaluation of Site Grant Funding,<sup>60</sup> 10 October 2007: in June 2005 the Scottish Executive announced funding of £3 million over three years for local authority Gypsy/Traveller sites. All local authorities were invited to bid for capital grants which would provide up to 75 per cent of the total cost. There were two bidding rounds. In July 2005 councils were invited to apply for grants to be spent by March 2006 and which would improve existing sites. In October 2005 councils were invited to submit further applications for grants in 2006/07 and 2007/08 to either improve existing sites or to build new ones. In total, 22 local authorities applied for Site Grants and 18 were successful. No applications were received for building new sites, therefore all funding was awarded for the upgrading of existing sites. This report sets out the findings from a short and focused survey into the use made by local authorities so far of the £3 million Gypsy/Traveller Site Grant funding awarded for 2005/06 and 2006/07. It has been undertaken internally by the Social Housing Division within the Scottish Government.

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<sup>58</sup> See page 6 of the report, at:

[http://www.irishtraveller.org.uk/wp-content/uploads/2008/08/task\\_report\\_interim.pdf](http://www.irishtraveller.org.uk/wp-content/uploads/2008/08/task_report_interim.pdf)

<sup>59</sup> <http://www.scotland.gov.uk/Publications/2004/06/19513/39160>

<sup>60</sup> <http://www.scotland.gov.uk/Topics/People/Equality/gypsiestravellers/sitegrantfunding>

The Strategic Group on Gypsies/Travellers:<sup>61</sup> the Scottish Executive has set up a short-life Gypsy/Traveller Strategic Group to examine specific issues highlighted by its recent Race Equality Review, to plan for the next three years. The work of the Gypsy/Traveller Strategic Group will feed into the wider Review.

### **Transit provision**

The East of England Regional Assembly (EERA) commenced a single issue review in 2006, of the East of England Plan to address the accommodation needs of Gypsy and Travellers. On these sites Gypsies can stay for a maximum of 13 weeks and have to pay a deposit and rent in advance.<sup>62</sup> In discussions about transit needs, descriptions used include temporary or emergency stopping places and transit pitches. An inclusive approach was adopted, intending to encompass all provisions necessary to fulfil a temporary purpose: seasonal; temporary in order to work, travel or visit friends in an area; or to deal with an emergency.

National policy in Circular 01/2006 strongly supports facilitating the traditional way of life of Gypsies and Travellers by providing transit sites, although it also acknowledges that previous travelling patterns have frequently changed. There is also widespread evidence that travelling has reduced because of the difficulties of stopping somewhere with adequate safety and security.

The draft policy does not contain proposals for transit provision. The East of England Regional Assembly's reasons for this are: the absence of guidance on how to assess such needs; the variable manner in which this was covered in GTAAs; and the difficulty of producing reliable estimates when there is a substantial shortfall of permanent pitches. The GTAA guidance envisages that such assessments will seek to provide estimates for needs of all types, and it suggests questions directed at assessing these. Nevertheless, even if answered consistently within GTAAs, such responses then have to be converted into numbers and locations. The final policy on accommodation for Gypsy and Travellers, and Travelling Showpeople was published in July 2009.<sup>63</sup>

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<sup>61</sup> <http://www.scotland.gov.uk/Topics/People/Equality/gypsiestravellers/strategy>

<sup>62</sup> <http://www.eera.gov.uk/What-we-do/developing-regional-strategies/east-of-england-plan/planning-for-gypsy-and-traveller-accommodation-single-issue-review-/>

<sup>63</sup> <http://www.eera.gov.uk/What-we-do/developing-regional-strategies/east-of-england-plan/planning-for-gypsy-and-traveller-accommodation-single-issue-review-/final-policy-on-accommodation-for-gypsy-and-travellers-and-travelling-showpeople/>

### 1.1.8. 'Positive action' measures to improve the housing situation of Roma and Travellers

The Government Equalities Office introduced the new Equality Bill in April 2009. The Bill is in its early stages, and the new requirements will become law by 2011. Key features of the Bill in relation to housing issue provisions for discriminated groups are currently broadly defined. For example, Clause 31, which outlaws discrimination in the disposal of property, will apply to social housing waiting lists.<sup>64</sup> Clause 152 allows for positive action measures to alleviate significant disadvantages experienced by groups of people who share particular characteristics.

### 1.1.9. Housing components (as well as components relevant to Roma and Traveller women) of existing national gender equality legislation and policy

To date, there has been no policy drive to challenge or discuss the changing position of women in Gypsy and Traveller communities in the UK. Any such discussion has tended to be locally based, driven by one or two core activists and often reactive in nature: for example, campaigning against large-scale or high-profile evictions.

### 1.1.10. Housing components (as well as components relevant to Roma and Travellers) of existing national disability legislation and policy

For disabled Gypsies and Travellers, the inequities which existed prior to 2003 in access to grants for adaptations of caravans to provide suitable accommodation for disabled people, have been addressed as a result of the Disability Discrimination Acts. It is to be hoped this will minimise the requirement (caused by lack of viable alternatives) to move into housing when older or disabled, a situation which had formerly been faced by a considerable number of Gypsies and Travellers. GTAA evidence does, however, indicate that in previous years in many cases,

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<sup>64</sup> <http://www.housing.org.uk/Uploads/File/Policy%20briefings/Neighbourhoods/equality-bill-nslg2009br06.pdf>  
Full text of the Equality Bill available at:  
<http://services.parliament.uk/bills/2008-09/equality.html>

older or disabled Gypsies and Travellers have had to wait considerable periods of time to obtain adaptations to their caravans on public sites<sup>65</sup>. Anecdotal evidence indicates that, without relatives to lift them in and out of caravans, residents of authorised public sites have been confined to their homes, as no ramps or other adaptations had been fitted by local authorities; this is particularly so in the absence of adequate engagement with social services departments. Such problems raise issues about fire hazards and possible injury.

Caravan-dwelling Gypsies and Travellers were excluded from receiving the Disabled Facility Grants (DFG) until section 224<sup>66</sup> of the Housing Act 2004 amended the legislation to cover them, including those living on local authority sites.<sup>67</sup> This allowed the use of Disabled Facility Grants (DFG) for use on caravans, where modifications for disabled Travellers and Gypsies were required. This amendment (section 224) applies to England and Wales, and constituted the (re)definition of terms, as a result of which previously, such groups had been excluded from accessing such grants.

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<sup>65</sup> See also Warrington & Peck, 2005.

<sup>66</sup> <http://www.opsi.gov.uk/Acts/acts2004/en/04en34-h.htm>

<sup>67</sup> Johnson & Willers, 2007.

1.1.11. The impact of legislation (especially the Race Equality Directive 2000/43/EC, as transposed into national legislation – including instances of indirect discrimination) on the housing situation of Roma and Travellers: i.e. whether and in what way legislation disadvantages them in access to adequate housing

Recent changes in legislation and national policy about Gypsy sites gives local authorities a new opportunity and obligation to deal with the shortage of sites through the systems used to provide housing for the rest of the public. The duty to promote race equality and good race relations provides a positive framework within which to take this work forward, ensuring equality for all racial groups, and building well-integrated communities.<sup>68</sup>

There are clear benefits to Travellers, arising from CRE's inquiry into equality, race relations and sites for Gypsies and Irish Travellers. The inquiry was based on survey responses from 236 local authorities across England and Wales, nine case-study authorities and more than 400 responses to a public call for evidence. The resulting Common Ground report provides the first authoritative evidence of how local authorities are meeting their statutory duty to promote race equality and good race relations in their work on Gypsy sites. It also explores the policing of authorised and unauthorised sites, and the role of the police in this. It also highlights good practice examples,<sup>69</sup> indicating where local authorities are helping to mitigate long-existing barriers faced by such groups.

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<sup>68</sup> [http://83.137.212.42/sitearchive/cre/downloads/commonground\\_report.pdf](http://83.137.212.42/sitearchive/cre/downloads/commonground_report.pdf)

<sup>69</sup> See pages 5-6: [http://83.137.212.42/sitearchive/cre/downloads/commonground\\_summary.pdf](http://83.137.212.42/sitearchive/cre/downloads/commonground_summary.pdf)



### 1.1.12. The impact of general public policies on the housing situation of Roma and Travellers<sup>70</sup>

Traveller Law Reform Project recommendations on Gypsy and Traveller Accommodation Assessments and the planning process for provision of accommodation for Gypsies and Travellers in England, June 2008:<sup>71</sup> a year after Circular No. 1/2006 was issued, progress was monitored on how local planning authorities made provision and what plans they had for Gypsy and Traveller accommodation. The report found that GRT groups would benefit from the following recommendations.

1. Only seven local authorities were planning to bring forward dedicated Development Plan Documents (DPD's) to address Gypsy and Traveller accommodation issues.
2. Local authorities indicated that they were planning to make site allocations through site allocations documents, housing allocations documents or through area action plans at some date in the future.
3. There needed to be a continued assessment of needs of GRT groups; both across districts and between public and private land owners.
4. There should be a formalised facilitation of the right to travel and have a nomadic lifestyle.

#### **Planning progress**

**Gypsy and Traveller Accommodation Assessments (GTAA's) and caravan counts:** the Department for Communities and Local Government (DCLG) has stated that over 80 per cent of local authorities have made a start on Gypsy and Traveller Accommodation Assessments and many are finalised or near to being finalised at present. However, deep concerns have arisen regarding the robustness of many GTAA's, and as a result the DCLG commissioned research to help resolve the difficulties.<sup>72</sup> This research addressed some of the issues which arose, and developed a tool to help make assessments of residential pitch

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<sup>70</sup> Examples of evidence can include, yet not be limited to, Annual Reports to the UN General Assembly and other reports by the Special Rapporteur on adequate housing, reports and statements by the Council of Europe Commissioner for Human Rights, and the Advisory Committee on the Framework Convention for the Protection of National Minorities, etc.

<sup>71</sup> [http://www.travellerslaw.org.uk/pdfs/GTAA\\_report.pdf](http://www.travellerslaw.org.uk/pdfs/GTAA_report.pdf)

<sup>72</sup> Preparing Regional Spatial Strategy reviews on Gypsies and Travellers by regional planning bodies, DCLG, March 2007.

requirements. However useful though this tool is, it does not address the central problem which besets most GTAAs: that there was no ground check on the veracity of the base information from which needs assessments flow – the biannual caravan counts. Even the Cambridge sub-region GTAA, which was found to be robust by the research, contained the statement that the quantification of need at which the authors had arrived was conservative. By implication, this was because the count data was used as the starting point for the study.

An appraisal of the methods used in Gypsy and Traveller Accommodation Assessments in the East Midlands:<sup>73</sup> previous GTAAs are assumed to be flawed through lack of guidance, and so it must be noted they might underestimate the number of pitches required in the areas concerned.

The information above also shows that there are many areas for improvement that could be acted upon to ensure that future studies are as reliable as possible. Many of these measures are simple to make, for example ensuring that the surveys are carried out at different times of the day, and explaining this in the report.

### **License agreements and site rules in Wales**

According to a report to the Assembly Government in Wales,<sup>74</sup> residents on local authority Gypsy/Traveller sites are licensees rather than tenants, and as such have fewer statutory rights than secure council tenants. Site resident rights and responsibilities are determined by their license agreements. There is no guidance as to what should be included and no ‘model’ agreement. License agreements often tend to emphasise resident obligations rather than rights or landlord obligations. Licensees do not have statutory rights enjoyed by secure tenants, for example, the right to consultation or the right to buy. There is no right to succession of spouses or close family members upon the licensee’s death, as is the case with tenants.

Licensees on local authority residential Gypsy/Traveller sites have minimal security of tenure. They do not enjoy security rights as ‘tenants’

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<sup>73</sup> A document produced as part of the Public Participation Support Service (PPSS, March, 2007) East Midlands Planning Aid Service, Royal Town Planning Institute. See: <http://www.nationalgypsytravellerfederation.org/download/files/GTAAappraisalforPPSS.pdf>

<sup>74</sup> See pages 41-46 : <http://wales.gov.uk/dsjlg/research/accomneedsgypsy/researche.pdf;jsessionid=v2LWJLMZH0IsKf2vRLk1gsg1TVGdTnWzQtyLIVNBnnQxRWpHbHzH!-1868201774?lang=en>

and are explicitly excluded from protection under the Mobile Homes Act 1983. The Housing Act 2004 (section 209) ensures that all site licensees have basic protection from eviction without a minimum 28 day notice and a court order for possession, and gives the court discretion to suspend a possession order for up to 12 months. No reasons have to be given to terminate a license.

Licensees have other, general rights and safeguards. For example, consumer protection legislation may give licensees redress under the Unfair Terms in Consumer Contracts regulations 1999 if terms in their license agreement can be construed as unfair. Section 82 of the Environmental Protection Act 1990 (statutory nuisance) applies to sites and could provide against very poor conditions.

## 1.2. Quantitative data on the housing situation of Roma and Travellers

### 1.2.1. Number of Roma and Travellers in the country

The Guidance on Gypsy and Traveller Accommodation Needs Assessments issued in October 2007 by the Department of Communities and Local Government stated that Gypsies and Travellers will typically form only a very small percentage of the population in any given area. The total population is estimated to be about 0.6 per cent (between 200,000-300,000) of the total UK population, of which only a proportion are living in, or seeking, caravan-site accommodation. (That is more than, for example, the Bangladeshi population (280,830) the Chinese (226,948) and many other ethnic groups recognised in national or local authority demographic profiles in the UK.<sup>75</sup>) This means that the Strategic Housing Market Assessment is unlikely to yield results that are statistically robust for Gypsies and Travellers as a separate group.<sup>76</sup> Between 90,000 and 120,000 Gypsies and Irish Travellers live in caravans in England, and 2,000 in Wales.<sup>77</sup> Up to three times as many

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<sup>75</sup> Gypsies and Travellers: Leeds Baseline Census 2004-2005, Maureen Baker, February 2005.

See page 1: <http://www.grtleeds.co.uk/information/downloads/BaselineCensus.pdf>

<sup>76</sup> <http://www.communities.gov.uk/documents/housing/pdf/accommneedsassessments.pdf>

<sup>77</sup> Niner, 2002 and 2006.

live in conventional housing.<sup>78</sup> There are, however, discrepancies about whether these include all Travellers and Gypsies.

In terms of official data collection locally and nationally, this consists of a 'Gypsy' caravan count twice yearly. The count distinguishes between authorised and unauthorised sites and the resultant tally of caravans and families appears to have been multiplied by two to give the total number of Gypsies and Travellers in the UK. The last five caravan counts show the following results.<sup>79</sup>

July 2006: 16,369

January 2007: 16,611

July 2007: 17,149

January 2008: 17,844

July 2008: 17,626

Every ten years the National Census of Population provides a 'snapshot' of the condition and disposition of the people of England and Wales. The censuses for Scotland and Northern Ireland are published separately. In order to properly reflect the ethnic composition of the population, the government has consistently broadened the number and range of ethnic categories on the census forms. Nevertheless, Gypsies and Travellers have always been omitted from the census.

### **Wales<sup>80</sup>**

The Welsh Assembly's Equality of Opportunity Committee attempted to provide basic information on the Gypsy/Traveller population through a survey of local authorities which asked about the number of Gypsy/Traveller adults and children in their areas. This produced a total of 1,412 Travellers (642 adults and 770 children). Whatever the precise numbers, it is clear that Gypsies/Travellers make up a very small

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<sup>78</sup> vatts 2005, page 15. See:  
<http://www.equalityhumanrights.com/en/publicationsandresources/Documents/Race/Common%20ground%20full%20report.pdf>

<sup>79</sup> <http://www.communities.gov.uk/housing/housingmanagementcare/gypsiesandtravellers/gypsyandtravellersitedataandstat/>

<sup>80</sup> See page 1 :  
<http://wales.gov.uk/dsjlg/research/accomneedsgypsy/researche.pdf;jsessionid=8yg5JGqZ57nYlfpZC6H8N1hZXppHpvvRvQ2GdY0sjp4mR9msQXy2!-1868201774?lang=en>

proportion of the Welsh population, and absolute numbers are likely to be small in any area.

### **Scotland<sup>81</sup>**

The July 2008 count recorded an estimated 744 households living on sites and encampments in Scotland. This is estimated to represent a population of around 2,455 people, lower than the 2,823 people reported in July 2007. 313 households were staying in Council/Registered Social Landlord (RSL) sites; 162 on private sites; and 269 in unauthorised encampments. Comparable figures for July 2007 were: 286 households on Council/ RSL sites; 155 on private sites; and 407 in unauthorised encampments.

A total of 1,839 caravans had been recorded visiting unauthorised encampments in Scotland over the six months up to and including the day of the count. Fife had the largest number of caravans visiting over this period. The majority of Gypsies/Travellers on encampments had travelled to their destination from within Scotland.

In 2008, 42 per cent of households were living on sites owned by Councils or RSLs; 22 per cent on privately owned sites; and 36 per cent on unauthorised encampments. This represents an increase of 16 per cent in the summer for Council and/or RSL populations since 2001, the highest number of households recorded since July 2001.

### **Northern Ireland<sup>82</sup>**

It is estimated that there are between 1,200 and 1,300 Travellers in Northern Ireland (0.07 per cent of the population of that area).

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<sup>81</sup> <http://www.scotland.gov.uk/Publications/2009/03/30145009/2>

<sup>82</sup> <http://www.law.cf.ac.uk/tlru/info.html>

## 1.2.2. Data on the housing conditions of Roma and Travellers and non-Roma/Travellers, including location issues

Local authority Gypsy/Traveller sites in England:<sup>83</sup> location and environment of residential sites

A common perception of local authority Gypsy/Traveller sites is that they are often remote from amenities and services, and in poor quality areas which would be unacceptable for any other residential use. The physical survey collected information about location and site environment to check these stereotypes.

Most sites are located in fringe areas of towns or villages (70 per cent), and a further fifth (19 per cent) are in rural areas. Only three per cent of sites are located in suburban residential areas and eight per cent in fully urban areas. Not surprisingly, the most common adjacent land use (for 60 per cent of sites) is a working farm. The next most significant adjacent land uses are: commercial (18 per cent); 'other' (ten per cent); and industrial (nine per cent). Only 11 per cent of sites have residential or mixed residential land use next to them. 68 per cent of sites are more than a kilometre from a primary school, and 55 per cent are more than a kilometre from a post office. Over a third (38 per cent) are over a kilometre from public transport. Access to everyday facilities was an issue for those residents on many sites who did not have regular use of vehicles.

Around half of all sites suffer from problems from adjoining land or activities to some extent. The more common sources of problems are motorways or major roads (26 per cent of sites), followed by railways (13 per cent); rubbish tips (12 per cent); industrial or commercial activity (eight per cent) and sewage works (three per cent). This offers some support for the view that Gypsy/Traveller sites are more likely than permanent housing to be located near to unpleasant land uses or activities.

Clearly, local authority Gypsy/Traveller sites are mostly located in non-residential areas, and are thus very different from bricks-and-mortar housing; the English House Condition Survey 2001 showed that 80 per

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<sup>83</sup> July 2003, OPDM Report. See pp. 75-93:  
<http://www.communities.gov.uk/documents/housing/pdf/138832.pdf>

cent of dwellings surveyed were in city centre, urban or suburban residential areas, where only 11 per cent of Gypsy/Traveller sites are located.

### **Northern Ireland**

More than two-fifths (41 per cent) of Gypsies in need of housing said they would prefer grouped accommodation; equal proportions (28 per cent) would prefer social housing and serviced sites. In all, there is a gross need for 83 units of grouped accommodation, 57 serviced site pitches and 57 units of social housing. The knock-on effects of developing, for example, a new grouped accommodation scheme may be the release of a number of units on a serviced site, which in turn may release a number of units on a transit site, etc. The net housing need is a much more complex calculation, which is outside the scope of this research project and will be undertaken by Strategic Partnerships in consultation with the Traveller community. The Housing Executive, in giving consideration to the findings of the research, will draw up a programme of Traveller-specific schemes to address the identified need over the next five years. The Housing Executive will give consideration to greatest need, land availability, compatibility and consultation with individuals, families and the wider community.

### **Wales<sup>84</sup>**

It is commonly said of Gypsy sites that they are located in areas which, because of isolation and/or environment, would not be thought suitable for other residential uses. In Wales, 15 out of 19 local authority sites (79 per cent) are located on the fringes of towns or villages, and three (16 per cent) are in rural areas. Only one site (in Swansea) is purely within an urban area. This distribution is broadly similar to that found for sites in England. Welsh sites are, however, more likely than English ones to be adjacent to industrial or commercial land uses (almost half, compared with just over a quarter in England), and less likely to be neighboured by purely rural land (two-fifths compared with three-fifths.)

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<sup>84</sup> See pages 17-23:  
<http://wales.gov.uk/dsjlg/research/accomneedsghypsy/researche.pdf;jsessionid=v2LWJLMZH0IsKf2vRLk1gsg1TVGdTnWzQtyLIVNBnnQxRWpHbHzH!-1868201774?lang=en>,

### 1.2.3. Data on the housing tenure of Roma and Travellers

#### **License agreement**<sup>85</sup>

The OPDM Report found that each site manager appears to have drawn up their own licence agreement and operates their own rules and policies. There are similarities and differences in practices across the country.

#### **The law in the UK**

The Mobile Homes Act 1983, section 5, specifically excludes local authority Gypsy/Traveller sites from the protection of the Act, yet non-local authority-rented Gypsy/Traveller sites come within the protection of that Act.

Section 211 of the Housing Act 2004 amended the Caravan Sites Act 1968 section 4 and provided judges with the power to suspend possession orders made against Gypsies and Travellers on local authority sites for periods of up to 12 months. This does not, of course, provide those same Gypsies and Travellers with any means of raising a defence against the possession action. Ministers have indicated that the most suitable way to take any proposals forward would be as part of future legislation on tenure reform relating to bricks and mortar housing.<sup>86</sup> Despite this statement, no amendments to the law have yet been brought in or even proposed.

### 1.2.4. Number of Roma/Travellers living in regulated encampments, and numbers of such areas in the country, with approximate duration of residence

Every January, local authorities make a return to ODPM providing details of the Gypsy/Traveller sites in their area. The results are published, showing site names and addresses, total number of pitches and whether they are residential or transit, caravan capacity and the date the site opened. Figures from the ODPM for the number of caravans show that there are about 15,000 in the UK.<sup>87</sup> Of these, 72% per cent or

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<sup>85</sup> See pages 118-122: <http://www.communities.gov.uk/documents/housing/pdf/138832.pdf>

<sup>86</sup> <http://www.yourrights.org.uk/yourrights/rights-of-gypsies-and-travellers/security-of-tenure/security-of-tenure-and-human-rights.shtml>

<sup>87</sup> [http://83.137.212.42/sitearchive/cre/gdpract/g\\_and\\_t\\_facts.html](http://83.137.212.42/sitearchive/cre/gdpract/g_and_t_facts.html)



10,836 are on authorised sites, 5,946 are on local authority sites, and 4,890 on authorised private sites.

Although the majority of Gypsies and Irish Travellers are believed to live in conventional housing, no one is sure how many actually do, or what their particular needs might be. In 2005, a study by Ivatt stated that up to three times as many live in conventional housing.<sup>88</sup>

It is estimated that between half and two-thirds (Niner, 2003) of the Gypsy and Traveller populations of the UK live in housing. Emerging GTAA findings indicate that over half of these people report that they either took to housing as a result of inadequate site provision and exhaustion caused by a constant cycle of eviction, or that health or educational concerns for family members led to moving into housing. In research on accommodation needs in Wales, Niner<sup>89</sup> found that the majority of Gypsies and Travellers interviewed had at some point experienced residence in housing (regardless of their current place of residence). This contrasts with findings from some other GTAAAs (Cambridgeshire, West of England and Dorset, though not including New Travellers) and may potentially reflect the limited supply of pitches in Wales in contrast to some other areas.<sup>90</sup>

### **Social housing<sup>91</sup>**

The OPDM in its report stated that most responding local housing authorities (59 per cent) estimate that fewer than ten Gypsy/Traveller families are in social rented housing in their area. A further 36 per cent estimate that there are generally between 10 and 100 families in total: 6 of the 7 LHAs with more than 100 families are in urban/conurban areas. Gypsy/Traveller families are concentrated into one or two areas in 16 per cent of local housing authorities; again this is an urban phenomenon. There are small numbers of Gypsy/Traveller families waiting for social rented housing. [Please see additional information in the Annex, under 1.2.4]

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<sup>88</sup> Ivatts, 2005. See page 15:  
<http://www.equalityhumanrights.com/en/publicationsandresources/Documents/Race/Common%20ground%20full%20report.pdf>

<sup>89</sup> Niner, 2006.

<sup>90</sup> See page 19 :  
<http://www.equalityhumanrights.com/Documents/Inequalities%20experienced%20by%20Gypsy%20and%20Traveller%20communities%20-%20a%20review.pdf>

<sup>91</sup> See pages 54-46: <http://www.communities.gov.uk/documents/housing/pdf/138832.pdf>

## **Northern Ireland<sup>92</sup>**

A total of 1,486 individuals were identified in 449 households across Northern Ireland. More than two-fifths (42 per cent) of respondents said they already lived in social housing (i.e. with the Housing Executive or housing association), the same proportion as in the 2002 survey. 21 per cent lived on serviced sites. Almost one-tenth (nine per cent of respondents reported that they lived in privately rented accommodation. Equal proportions (five per cent) of respondents lived on transit sites, co-operated sites and grouped accommodation. The remainder of respondents (one per cent) lived in other types of accommodation, such as caravans on family property, or were homeless.

## **Wales**

Of a total of 1,412 Travellers (642 adults and 770 children) 59 per cent are living on local authority sites, nine per cent on private sites and 28 per cent in houses. There are at least 30 Gypsy sites in Wales, providing around 440 pitches. 19 sites are owned by local authorities, providing around 380 pitches. Very little is known about private sites in Wales. An unknown number of Gypsy travellers live on caravan sites not specifically designated or designed for Gypsy travellers. There is another category of local authority sites: temporary sites where Gypsies/Travellers are being tolerated due to a court judgement preventing local authorities from evicting them.<sup>93</sup>

### **1.2.5. Number of Roma/Travellers living in unregulated encampments, and numbers of such areas in the country, disaggregated by county/region, with approximate duration of residence**

Figures from the ODPM on the number of caravans show that there are about 15,000 in the UK.<sup>94</sup> Of these 28 per cent or 4,232 are on unauthorised developments or encampments; 12 per cent or 1,855 are on unauthorised developments (where Gypsies and Irish Travellers own the land but do not have planning permission); and 16 per cent or 2,377 are

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<sup>92</sup> See page 21: [http://www.nihe.gov.uk/travellers\\_accommodation\\_needs\\_assessment\\_2008.pdf](http://www.nihe.gov.uk/travellers_accommodation_needs_assessment_2008.pdf)

<sup>93</sup> See page 1:

<http://wales.gov.uk/dsjlg/research/accomneedsgypsy/researche.pdf;jsessionid=8yg5JGqZ57nYlfpZC6H8N1hZXppHpvvRvQ2GdY0sjp4mR9msQXy2!-1868201774?lang=en>

<sup>94</sup> [http://83.137.212.42/sitearchive/cre/gdpract/g\\_and\\_t\\_facts.html](http://83.137.212.42/sitearchive/cre/gdpract/g_and_t_facts.html)

on unauthorised encampments (where Gypsies and Irish Travellers do not own the land and planning consent has not been given for use as a site).

Since 1996, the number of caravans has remained fairly constant. However, the number of caravans on unauthorised developments has increased, while those on unauthorised encampments has decreased.<sup>95</sup> Over the last ten years, there has been a steady increase in caravan numbers on unauthorised sites, giving a figure of 4,000 GRT caravans (one quarter of the total) which are camping illegally.<sup>96</sup>

### **Northern Ireland**

The most recent survey of Travellers undertaken by the Northern Ireland Housing Executive in 2008,<sup>97</sup> informs that more than two-fifths (42 per cent) of respondents were living in social housing; 21 per cent on services sites; and an additional 9 per cent in privately rented accommodation. These two figures remain with the same as a 2002 survey.

### **Wales**

Of a total 1,412 Travellers (642 adults and 770 children), 3 per cent live on unauthorised sites. Unauthorised sites are not as much of an issue in Wales as in England. In the preliminary survey, 14 out of 21 authorities said they were not aware of any unauthorised developments where Gypsies / Travellers had bought land and established a caravan without planning permission. Six authorities were all aware of the following developments: single pitches in Cardiff and Wrexham; three pitches in Torfaen; four pitches in Carmarthenshire; and ten pitches in Powys. The number of pitches in Swansea was unknown.<sup>98</sup>

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<sup>95</sup> The UKNFP is also to provide numbers for the reporting period. These will be added as soon as they have been collated.

<sup>96</sup> <http://www.communities.gov.uk/speeches/corporate/gypsies-irish-travellers>

<sup>97</sup> See page 10, and graph on page 21:

[http://www.nihe.gov.uk/travellers\\_accommodation\\_needs\\_assessment\\_2008.pdf](http://www.nihe.gov.uk/travellers_accommodation_needs_assessment_2008.pdf)

<sup>98</sup> See page 1:

<http://wales.gov.uk/dsjlg/research/accomneedsgypsy/researche.pdf;jsessionid=8yg5JGqZ57nYlfpZC6H8N1hZXppHpvrVvQ2GdY0sjp4mR9msQXy2!-1868201774?lang=en>

### 1.2.6. Number of Roma/Travellers living in segregated settings, and number of such areas in the country, with approximate duration of residence

In the absence of figures on the number of Gypsies living in conventional housing, it can be said that the Gypsies on Local Authority sites in the country live in authorised camps, which due to the way they are constructed, create a segregated environment.<sup>99</sup>

Pitch boundaries are clearly defined on 85 per cent of sites. Pitch boundary treatment is consistent across the site on 77 per cent of sites. Most pitches have some form of fencing or walling with timber panel fencing the most common (30 per cent of pitches); this is followed by chain-link fencing (21 per cent) and posts and wire (15 per cent of pitches). Most fences or walls are between 1 and 1.5 metres in height. The treatment of site boundaries can be contentious. On the one hand, it is important to prevent the site spreading through unauthorised encampments; on the other hand, some treatments are perceived as segregating sites into prison camps.<sup>100</sup>

The survey found that the great majority (92 per cent) of residential sites are contained on all sides. Most are fenced in some way, with chain-link, timber panel and galvanised steel panel fencing being the most common treatments. Almost one site in ten (9 per cent) has an unprotected watercourse on the boundary (specifically advised against in the DoE site design guide (D0E 1979) on the grounds of child safety and pollution risk). Some form of entrance control is common, especially to prevent unauthorised entry (or exit) of trailers. Almost half of sites (49 per cent) have an entrance gate or barrier, and 6 per cent have some sort of entrance control building.<sup>101</sup>

Most residents want some privacy and protection, but do not want to feel either 'shut in' or as if they have been 'hidden away' from the outside world. Perimeter barriers can increase the sense of security from intrusion and minimise aggravation from neighbouring house-dwellers by screening the site.<sup>102</sup>

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<sup>99</sup> [http://83.137.212.42/sitearchive/cre/gdpract/g\\_and\\_t\\_facts.html](http://83.137.212.42/sitearchive/cre/gdpract/g_and_t_facts.html)

<sup>100</sup> See page 77: <http://www.communities.gov.uk/documents/housing/pdf/138832.pdf>

<sup>101</sup> See page 77: <http://www.communities.gov.uk/documents/housing/pdf/138832.pdf>

<sup>102</sup> See page 195: <http://www.communities.gov.uk/documents/housing/pdf/138832.pdf>

## Wales<sup>103</sup>

Eleven sites (58 per cent) are fully contained on all sides. A further eleven (58 per cent) have some form of earth bank on one or more sides. Fifteen sites (79 per cent) have trees or shrubs on the boundary. Thirteen (68 per cent) have some form of fence or wall at some point along the boundary.

### 1.2.7. Data on household type and size

The OPDM Report calculated persons per occupied pitch on 79 sites as follows:<sup>104</sup> under two persons, 6 per cent; between two and three persons, 34 per cent; between three and four persons, 43 per cent; between four and five persons, 13 per cent; five or more persons, 4 per cent. Thus, almost eight out of ten sites have an average of between two and four persons per pitch. The lowest average is one person per pitch, and the highest 10.5 (in an Inner London Borough). The overall mean number of persons per occupied pitch is 3.2, and the median is 3.13. These figures are significantly higher than the number of persons per English household, which in 1999 was an average of 2.35 persons. (Please see additional data in the relevant section in Annex 1.)

There is a relationship between persons per occupied pitch and ethnic group housed: sites with only English Gypsies have an average of 3.0 persons per pitch; sites with only Irish Travellers have an average of 5.0 persons per pitch; and mixed sites have 3.4 persons. This supports the conventional wisdom that Irish Travellers have larger families than other Gypsies/Travellers, who in turn have above-average family sizes.

Model standards for caravan sites require all caravans in separate occupation to be at least six metres apart (this is standard for 91 per cent of local authority sites. The site design guide (DoE 1979) recommended that pitches should be not less than 12 metres wide, in order to allow some flexibility in the arrangements of trailer and vehicle accommodation, and to allow the introduction of a second trailer where

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<sup>103</sup> See page 20:  
<http://wales.gov.uk/dsjlg/research/accomneedsgypsy/researche.pdf;jsessionid=v2LWJLMZH0IsKf2vRLk1gsg1TVGdTnWzQtyLIVNBnnQxRWpHbHzH!-1868201774?lang=en>

<sup>104</sup> See page 113: <http://www.communities.gov.uk/documents/housing/pdf/138832.pdf>

needed. Around 15 per cent of pitches are less than 10 metres wide, offering very little flexibility in use.<sup>105</sup>

### **Residential pitches: size and internal arrangement<sup>106</sup>**

The 1979 DoE site-design guide did not recommend a minimum floor area for amenity units because of the differences in shape and size internally, but does however suggest that nine square metres might be regarded as a desirable minimum floor area. The survey found that almost three out of ten amenity units have a gross internal floor area less than this. Only around 15 per cent of units have an area of 15 square metres or larger. The great majority (95 per cent) have three or fewer habitable rooms: these may be a kitchen/living area, bath or shower room and toilet, or kitchen/living area with combined bath/shower and toilet.

The design guide recommends separate provision of a bath/shower and toilet. The majority of units are arranged in this way, although 40 per cent have combined provision. Gypsy/Traveller cultural requirements suggest that the access to a toilet should be kept quite separate from an area where food is prepared. However, 45 per cent of amenity units are arranged in such a way that access to it is directly from the kitchen area, while 34 per cent have direct access to the toilet area from the outside (the arrangement said to be preferred by many Gypsies and other Travellers).

### **Overcrowding issues, compared with fixed housing size**

There is a statutory definition of overcrowding which has not changed since the 1930s.<sup>107</sup> Because the standard is so low, many surveys use the ‘bedroom standard’ which looks at age, gender, and relationships to estimate how many bedrooms a given household needs.<sup>108</sup> There is a problem applying these measures in caravans which tend not to be divided into ‘rooms’ in the same way houses usually are. Some GTAAAs

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<sup>105</sup> See pages 79-81: <http://www.communities.gov.uk/documents/housing/pdf/138832.pdf>

<sup>106</sup> See pages 79-81: <http://www.communities.gov.uk/documents/housing/pdf/138832.pdf>

<sup>107</sup> This information is set out in the Shelter information sheet at: [http://england.shelter.org.uk/get\\_advice/repairs\\_and\\_bad\\_conditions/overcrowding](http://england.shelter.org.uk/get_advice/repairs_and_bad_conditions/overcrowding)

<sup>108</sup> The Scottish definition is available at: <http://www.scotland.gov.uk/Topics/Statistics/SHCS/LAbedroomstandard/Q/EditMode/on/ForceUpdate/on>. We asked Pat Niner, one of our Xxpert interviewees, to inform us further on the issue of overcrowding and measurements. She was not aware that anyone had produced a ‘standard’. She was also not aware of differences between the UK regions regarding the definition of overcrowding.

have tried to apply a measurement of overcrowding based on the available space and/or interviewees perceptions, but these tend to differ according to who is consulted.

### **Wales<sup>109</sup>**

Model standards for caravans require them all to be at least six metres apart. Surveyors checked whether it was possible for caravans to be thus separated, and concluded that it was possible on only eight sites (42 per cent). This is very different in England, where six metre separation was possible on 91 per cent of sites. It suggests greater crowding of pitches and sites in Wales.

### **1.2.8. Data on the forced evictions conducted, including data on the cases where alternative accommodation has been provided**

Councils frequently use their powers to evict families. These evictions, while extremely distressing per se, are made worse by the means employed. They are often carried out by hired bailiff companies with a track record of violent evictions.<sup>110</sup>

Decisions on enforcement action to deal with unauthorised Gypsy site developments were often referred to the local authority's planning committee. As with other planning matters, the decision on whether or not to take enforcement action depended initially on the seriousness of the breach of planning control. The majority of local planning authorities that responded to questions about action taken in response to unauthorised Gypsy site developments said they had never issued stop notices (62.3 per cent), and had never evicted anyone from land owned by Gypsies and Irish Travellers (67.3 per cent). The action most commonly taken was to issue an enforcement notice. Similarly, with most of the authorities in the case studies, where enforcement notices had been served or injunctions granted, it was unnecessary to evict the occupants by force, since they had already left.<sup>111</sup>

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<sup>109</sup> See page 14:  
<http://wales.gov.uk/dsjlg/research/accomneedsgypsy/researche.pdf;jsessionid=v2LWJLMZH0IsKf2vRLk1gsg1TVGdTnWzQtyLIVNBnnQxRWpHbHzH!-1868201774?lang=en>

<sup>110</sup> Commission for Racial Equality, 2006, page 178.

<sup>111</sup> See pages 145-149:  
[http://83.137.212.42/sitearchive/cre/downloads/commonground\\_report.pdf](http://83.137.212.42/sitearchive/cre/downloads/commonground_report.pdf)

Three case study authorities did not have a written enforcement policy; two said that in practice they regularly proceeded with enforcement action against Gypsy sites, and that this included applying for injunctions to prevent further development.<sup>112</sup>

Some enforcement officers press for evictions without first consulting specialist health and education officers, which means they cannot carry out the necessary welfare checks. In response, health and education workers provide basic services to those on encampments without reporting them to enforcement officers.<sup>113</sup>

Just over half (51 per cent) of local authorities have used bailiffs to evict Gypsies and Irish Travellers from unauthorised encampments since April 2001; but over two-thirds of these authorities (62 per cent) have not mentioned their responsibilities for good race relations, and for avoiding discrimination, in the contracts they have drawn up.<sup>114</sup>

Findings from the Dorset GTAA (which included nearly a hundred New Travellers resident on unauthorised encampments, as well as a small number of Irish Travellers on unauthorised developments) found a pattern of repeat evictions for those who were resident on the roadside, or who had recently moved onto an unauthorised development; 45 per cent of respondents reported having been evicted more than five times in the previous five years (including those of different ethnicities and living in different types of accommodation, including housing). Over one third of roadside residents said they had been evicted on at least 30 occasions in the previous five years; and 24 per cent stated that they had reached a 'negotiated agreement to leave' on more than 20 occasions within the previous five years.<sup>115</sup>

Thomason<sup>116</sup> reported that a number of interviewees living on roadside encampments in Cheshire said they had been moved on more than 30 times, with only a small number reporting that they had been asked about their needs or personal circumstances before they were required to leave.

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<sup>112</sup> See pages 155-185:  
[http://83.137.212.42/sitearchive/cre/downloads/commonground\\_report.pdf](http://83.137.212.42/sitearchive/cre/downloads/commonground_report.pdf)

<sup>113</sup> See pages 155-185:  
[http://83.137.212.42/sitearchive/cre/downloads/commonground\\_report.pdf](http://83.137.212.42/sitearchive/cre/downloads/commonground_report.pdf)

<sup>114</sup> See pages 155-185:  
[http://83.137.212.42/sitearchive/cre/downloads/commonground\\_report.pdf](http://83.137.212.42/sitearchive/cre/downloads/commonground_report.pdf)

<sup>115</sup> Home & Greenfields, 2006b.

<sup>116</sup> Thomason, 2006.



### 1.2.9. Data on access of Roma/Travellers to public utilities, broken down by residential type

The ODPM report Local Authority Gypsy/Traveller Sites in England, July 2003,<sup>117</sup> in the section 'Quality of Site', listed 13 potential problems. (Please see the relevant section of Annex 1 for additional data.)

#### **Residential sites: site roadways and paths**

The site-design guide recommended that site roads should allow two lorries to be able to pass each other, and to allow caravans to be manoeuvred onto pitches (DoE 1979). Almost six out of ten sites (59 per cent) have site roads less than five metres wide. Three-quarters have adequate turning circles. Most sites have some form of traffic-calming measure, especially speed bumps (on 75 per cent of sites). Most site roads are constructed of tarmac (63 per cent) or concrete (33 per cent).

Over three-quarters of sites (76 per cent) do not have footpaths, and where footpaths exist, most are less than the 0.75m width recommended in the site-design guide. Only a quarter of sites are judged to have clear and safe vehicle/pedestrian segregation. Site lighting is judged to be adequate on 57 per cent of sites. It is relatively rare for parking provision to be made except on individual pitches. Only one site in the survey had a garage provided.

#### **Residential sites: fire protection**

Model Standards for caravan sites require fire points on sites and specify their spacing and equipment. Fire points are provided on only 54 per cent of local authority Gypsy/Traveller sites. Where there are fire points, surveyors judged 48 per cent to be inadequate, mainly because some pitches are more than 30 metres from a fire point; poor maintenance; and/or an inadequate fire alarm is provided. Over four sites out of ten (43 per cent) have no formal fire-fighting equipment. There are extinguishers on a third of sites, hose reels on just over a quarter (26 per cent) and fire blankets on 3 per cent. Just 9 per cent of sites have a fire alarm. These findings suggest that sites often do not meet basic fire-safety standards required of caravan sites. Such provision at these residential sites, was reported to have been approved by local fire officers.

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<sup>117</sup> See pages 75-93: <http://www.communities.gov.uk/documents/housing/pdf/138832.pdf>

## **Perception of sites by Gypsies and other Travellers**

This next part explores Gypsy/Traveller perceptions of sites. Residents involved in case-study discussions were living on sites which varied greatly in terms of location, size, design, amenities, maintenance, cleanliness and 'quality'.

### **Site location and environment**

Most of the residential sites included in the research with residents are located in or near urban areas. However, they tend to be in wasteland areas in the outskirts rather than in central or suburban sites. Participants did not express a lot of discontent about a site's location, although some were a little way from the shops. Indeed one of the best-liked sites was in a rural area several miles out of town, and perhaps a mile or so from the nearest villages; no-one reported this as a problem. (Please see the relevant section of Annex 1 for additional information.)

### **Site design**

Residents did not often express spontaneous or decided views about the layout of their sites. This tended to be less of a priority than the condition of the site and the types of facility provided. The impression was that few people had given much thought to it. Size of site was seen as more important, with figures between 12 and 20 pitches being often mentioned as suitable.

### **Special health needs**

The management survey shows that, on about half of sites, three or more residents have some form of special health need (e.g. pregnancy, old age, physical or mental disability, or mental health problems). On a third of sites, there are one or two residents with special health needs, and on 18 per cent, there are none. The number is related to overall site size, but does suggest that some sites generate these needs.

The New Traveller case-study site stands out in particular for the number of residents with quite severe mental and physical health needs, as well as relatively high levels of substance misuse. One respondent termed the site 'social care corner'. This is a considerable challenge to the site manager who feels she has neither the time nor the expertise to help residents as she would like.

Accessing help for site residents can be harder than it would be for members of the settled community or, paradoxically, for rough sleepers. Relatively high child numbers, low employment rates, benefit dependency and incidence of health needs all suggest that sites have a relatively deprived population, with implications for site management and other service needs.

### **Wales<sup>118</sup>**

The majority of sites are more than one kilometre from a primary school (all except one), a post office (all except two), and public transport (all except five). However, very few sites are more than five kilometres from these facilities.

### **Northern Ireland**

The concept of group housing as an accommodation option for Travellers was initially proposed in 1998 by Lord Dubs, the then Department of Environment Minister for Northern Ireland. All interviewees thought the aim had been met fully, especially in the scheme in Toome, although some interviewees thought the scheme in Omagh had worsened relations with the settled community nearby, due to the issue of horses trespassing on nearby land.<sup>119</sup>

The provision of new group housing schemes in Northern Ireland is the responsibility of Housing Associations who have developed schemes at Hillhead Cottages, Magherafelt, and Tattykeel in Omagh; and in Briar View and Glen Road in Belfast.<sup>120</sup>

One group housing scheme was transferred from the district councils in December 2003 and remains under the ownership of the Housing Executive at: Ballinamullan and Killyclogher Road in Omagh.

### **Serviced sites: Northern Ireland**

There are currently five occupied serviced sites in Northern Ireland in the following areas: Glen Road Heights, Glen Road, Belfast; Daisyfield, Derry/ Londonderry; The Glen, Coalisland; Acorn Grove, Monbrief Road, Craigavon.

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<sup>118</sup> See page 17:

<http://wales.gov.uk/dsjlg/research/accomneedsghypsy/researche.pdf;jsessionid=v2LWJLMZH0lsKf2vRLk1gsg1TVGdTnWzQtyLIVNBnnQxRWpHbHzH!-1868201774?lang=en>

<sup>119</sup> [http://www.nihe.gov.uk/evaluation\\_of\\_the\\_travellers\\_grouped\\_housing\\_schemes\\_2005.pdf](http://www.nihe.gov.uk/evaluation_of_the_travellers_grouped_housing_schemes_2005.pdf)

<sup>120</sup> [http://www.nihe.gov.uk/index/yh-home/advice\\_for\\_travellers/accommodation.htm](http://www.nihe.gov.uk/index/yh-home/advice_for_travellers/accommodation.htm)

### **Transit sites**

Some Travellers wish to remain nomadic, and their needs are provided for through 'transit sites' such as: Greenbrae transit site, Strabane; Ballyarnet transit site, Derry/L'Derry.

### **Satisfaction with accommodation**<sup>121</sup>

More than half of respondents (53 percent) in the Travellers Accommodation Needs Assessment Northern Ireland 2008 report, were either satisfied or very satisfied with the standard of their current accommodation, but the survey also indicates a significant level of unmet housing need. (Please see the relevant section of Annex 1 for additional information.)

### **Wales**

This survey found that for the seven sites with available information, three had previously been refuse tips, but none had been located on industrial or commercial land. Indications from case studies suggest that several more sites are either on or near landfill sites, and on previous industrial or commercial land. Precise numbers are still lacking.

More than half of all sites in Wales experience problems from heavy traffic and/or litter and/or rubbish dumping in their locality. Only four sites do not suffer from these problems to a serious extent; these are also within five kilometres of primary schools, post offices and public transport.

Almost three-fifths of sites (58 per cent) were assessed as suffering from problems from adjoining land uses or activities to some extent. The most common problems were motorways or major roads (seven sites) and industrial/commercial activities (five sites). One site each had problems with a railway line, sewage works, and a rubbish tip. The surveyors noted that the elevated M4 motorway 'curls round the site' at Briton Ferry north of Port Talbot; while Glynmil in Merthyr Tydfil is actually stranded between the north and southbound carriageways of the A4060. (Please see the relevant section of Annex 1 for additional information.)

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<sup>121</sup> [http://www.nihe.gov.uk/travellers\\_accommodation\\_needs\\_assessment\\_2008.pdf](http://www.nihe.gov.uk/travellers_accommodation_needs_assessment_2008.pdf), page 22

### **Site infrastructure and utility supply**

All sites have an adequate water supply. Fifteen sites are linked to main sewers. The sites which do not have a treatment plant (just one such was noted in this category), and the others have cesspool or septic tank arrangements. All sites have an electricity supply. Refuse disposal facilities are adequate on all but four sites.

### **Fire precautions**

Model standards require fire points to be provided and their spacing and equipment specified. Fire points are not provided on six sites (32 per cent). Those provided are not adequate on five sites. No fire equipment is provided on seven sites (37 per cent). Hose reels are the most commonly provided items (on eight sites). There are fire alarms on only two sites.

Just over a quarter of sites suffered neither from a problem of adjoining land use or isolation (sites being more than a kilometre from public transport, post office or a primary school). Despite the extent of problematic neighbouring uses, the surveyors assessed favourably the visual quality of the local area in which the site was set. Over four out of ten sites (41 per cent) are in local areas judged to be visually excellent or very good, and a further 33 per cent are in areas judged as good. Just a quarter of sites are in areas judged as average or poor. Sites located on the urban fringe are particularly likely to be in areas judged as average or poor.<sup>122</sup>

#### **1.2.10. Data on available halting sites and the estimated numbers needed to ensure legal space for all Roma and Travellers, as well as the technical criteria that they should conform to**

There is a significant shortage of authorised transit and permanent sites, with the government estimating that between 2,500 and 4,000 more pitches will be needed by 2007. Data collected by the ODPM show that in January 2004 there were 5,901 caravans on authorised public sites in England, and 4,890 on permitted private sites. However, 1,594 more were without authorisation on land not owned by Gypsies and Travellers,

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<sup>122</sup> <http://www.communities.gov.uk/documents/housing/pdf/138832.pdf>

and 1,977 on land owned by them, but developed without planning permission.<sup>123</sup>

### **Number of sites and pitches**<sup>124</sup>

There is a very small number of transit pitches – only 6 per cent of the total, and little more than 300 over the whole country. Almost two-thirds (63 per cent) of transit pitches are located on transit sites which cater to only non-mixed, and only local authority Gypsy/Traveller sites transit pitches. Just over a third (37 per cent) are on mixed sites. Of these, three are mainly residential, but with a small number of transit pitches; four are mainly transit with only one or two residential pitches perhaps for staff; and only three are truly mixed with broadly equal numbers of residential and transit pitches.

The case studies identified a general reluctance to provide transit sites. One respondent commented to the effect that his county council had decided to develop residential sites first, and had then ‘heaved a big sigh of relief’ when the duty to provide was removed in 1994 before they had got round to thinking seriously about transit provision. The figures suggest that this might have been a fairly general reaction and that there was much more attention paid to providing for Gypsies ‘residing in’ than ‘resorting to’ areas.

About six out of ten of all local authorities (excluding county councils) have at least one site within their district. Roughly six out of ten sites and pitches are located in the four most southerly regions (the East, South West, South East and London). Count sites vary in size between 1 and 45 pitches, averaging 15.8 pitches. While most sites (52 per cent) might be classed as small (up to 15 pitches), small sites account for only a third (33 per cent) of pitches. Transit sites are slightly smaller on average than residential sites (14.9 compared to 15.6 pitches). Mixed sites are somewhat larger at 22.7 pitches.

The distribution of transit pitches is notably patchy. Most significantly, there is no transit pitch provision in London. Generally, transit site provision is relatively greater in the North and Midland regions which account for 60 per cent of transit pitches and 40 per cent of residential pitches.

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<sup>123</sup> See page 2 : [http://83.137.212.42/sitearchive/cre/downloads/commonground\\_report.pdf](http://83.137.212.42/sitearchive/cre/downloads/commonground_report.pdf)

<sup>124</sup> See pages 67-68: <http://www.communities.gov.uk/documents/housing/pdf/138832.pdf>

## Wales<sup>125</sup>

There are transit pitches on seven sites. All pitches are occupied on three of these. Due to a shortage of transit sites on two sites, all transit pitches were actually not performing a transit function. At least some of the 'transit' pitches act as overspill for the residential site where families wait for an infrequent pitch vacancy and may stay for several years. It is estimated that 100-150 places are required across Wales.

### The right to education

Many Gypsies and Travellers do not have academic qualifications because they leave school at a young age, they are illiterate, or have a cultural resistance to secondary education. Less than a quarter of Gypsy children achieved five GCSEs with grades between A\* and C; this can be compared to the national average of just over a half. For families who are evicted, whether from roadside encampments or from their own land for which they have failed to obtain planning permission, the human cost is high.<sup>126</sup> the process may involve violence and certainly causes stress. The Children's Society's response to the consultation highlights the impact of evictions on children's well-being and its detrimental effect on access to services such as healthcare and education.<sup>127</sup>

### The right to employment

Many Gypsies and Travellers live in poor quality, socially excluded neighbourhoods, either on deprived housing estates or on sites in bad locations, with high rates of unemployment and poor quality living conditions. People who are socially excluded in employment terms are also disproportionately numbered in those categories of people who are likely to experience poor physical and mental health.<sup>128</sup>

Access to employment usually requires that an individual has a bank account,<sup>129</sup> and this is increasingly a requirement for receiving welfare benefits. The CRE Gypsy and Traveller Strategy for England and Wales (2004) noted a lack of systematic data on Gypsy and Traveller employment. However, it reported anecdotal evidence which indicated

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<sup>125</sup> See page 13:

<http://wales.gov.uk/dsjlg/research/accomneedsgypsy/researche.pdf;jsessionid=v2LWJLMZH0lsKf2vRLk1gsg1TVGdTnWzQtyLIVNBnnQxRWpHbHzH!-1868201774?lang=en>, page 13

<sup>126</sup> Power, 2004; James & Richardson, 2006; Clark & Greenfields, 2006; CRE, 2006a; Greenfields, 2002.

<sup>127</sup> Pages 17-19: [http://83.137.212.42/sitearchive/cre/downloads/commonground\\_report.pdf](http://83.137.212.42/sitearchive/cre/downloads/commonground_report.pdf)

<sup>128</sup> Cummins *et. al.*, 2005.

<sup>129</sup> Webster & Millar, 2001.

that unemployment is high among Gypsies and Travellers and few of the general programmes set up to tackle unemployment have initiatives or schemes developed specifically for Gypsies and Travellers.<sup>130</sup>

The limited evidence on Gypsy and Traveller employment practices and preferences does, however, indicate a strong preference for male self-employment,<sup>131</sup> often associated with working in family groups and undertaking employment such as gardening, dealing scrap metal, building and market trading. Women have until relatively recently traditionally been involved in harvesting, making holly wreaths, or other traditional seasonal 'female' crafts.

### **The right to the highest attainable level of health**

Statistical data are not currently collected within the National Health Service about the needs of Gypsies and Travellers, or the services they receive. National data about their health and healthcare status are therefore not available. However, studies have found that the health status of Gypsies and Travellers is much poorer than the general population.<sup>132</sup> Taken together, there are striking inequalities in the health of Gypsies and Travellers, even when compared with people from other ethnic minorities.

### **Disabled Gypsies<sup>133</sup>**

There is little direct information about disability among Gypsies and Travellers, despite research having been conducted on health and accommodation. The West of England GTAA (Greenfields et. al., 2007) found evidence of a significantly higher rate of disability than among the wider population.

There are also no quantitative data on GRT groups in relation to health as separated into gender/ethnicity.

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<sup>130</sup> CRE, 2004, p. 12.

<sup>131</sup> Greenfields, 2006a, pages 49-53.

<sup>132</sup> Pages 48-62: [http://83.137.212.42/sitearchive/cre/downloads/commonground\\_report.pdf](http://83.137.212.42/sitearchive/cre/downloads/commonground_report.pdf)

<sup>133</sup> [http://83.137.212.42/sitearchive/cre/downloads/commonground\\_report.pdf](http://83.137.212.42/sitearchive/cre/downloads/commonground_report.pdf)



### 1.3. Qualitative information on the housing situation of Roma and Travellers

Gypsy/Traveller residents on local authority sites are legally licensees, normally with security of tenure limited to 28 days' notice. Many resident participants living on sites were unclear about the basis of their tenure. They often were not sure what kind of agreement they had, what that implied for their legal rights, and how much notice they would have to give, or be given. Some residents knew that their agreement to occupy their pitch was called a licence, but many did not. Few seemed to know what it implied or how it compared with other forms of tenure. And quite often, people had misconceptions about their security of tenure and about the notice period their site operator was required to give. Uncertainty seems more marked in the Gypsy/Traveller context where this kind of security was not traditionally an important consideration and Travellers were more oriented towards moving on and keeping their options open. Poor literacy and lack of easily accessible sources of advice are also likely to be relevant.<sup>134</sup>

Lack of security means that even long-standing residents are dependent on the continued goodwill of the site operator to an extent that few of them seem to recognise. It is generally thought that space on an official site is hard to find – particularly on a good one, as there aren't many sites and a lot of them are thought to be full. People are still be on a four weeks' notice period, even if they have spent 20 or 30 years in that place, behaved well over that time, and have invested in developments of their plot or home.<sup>135</sup>

#### **Housing services<sup>136</sup>**

Housing services are usually tailored to the needs of different clients, but this is rarely the case for Gypsies and Irish Travellers. Many authorities recognise that they would rather live on sites, but since there are not enough of these, they do little to make the accommodation they can provide more suitable, for example by providing tenancy support to those who have recently moved from sites. As a result, many Gypsies and Irish Travellers find it difficult to keep up their tenancies, leading to a cycle of

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<sup>134</sup> Pages 118-122: <http://www.communities.gov.uk/documents/housing/pdf/138832.pdf>

<sup>135</sup> Pages 118-122: <http://www.communities.gov.uk/documents/housing/pdf/138832.pdf>

<sup>136</sup> Pages 57-59: <http://www.communities.gov.uk/documents/housing/pdf/138832.pdf>

eviction, from housing to homelessness and unauthorised encampments, and to eviction again.

Pat Niner<sup>137</sup> noted that the main barrier to provision is the planning system and, more fundamentally, resistance from the settled population to the idea of new sites for Gypsies and Travellers. The 2006 CRE inquiry into equality, race relations and site provision endorsed these findings. That enquiry and Richardson (2007) were unequivocal in noting that political resistance to engaging with the controversial issue of planning permission could create significant local-level barriers to site provision.<sup>138</sup>

Public sites typically have long waiting lists and unclear allocation policies. Residents allege that there are many problems including favouritism in allocations, collusion on issues that arise, failure to act on repairs reports, intimidation and general lack of fairness'. Such criticisms are familiar to the research team from their experience of casework, research studies and GTAA consultation within the UK.<sup>139</sup>

Niner<sup>140</sup> found that in the absence of culturally-specific accommodation (predominantly residential Gypsy and Traveller sites), the shortfall in accommodation is met by unauthorised encampments which often fail to provide even remotely adequate living standards for Gypsies and Travellers, and which perpetuate social exclusion through a lack of access to education and healthcare. In an influential report from the Institute for Public Policy Research (IPPR), Crawley<sup>141</sup> emphasised the appalling inequalities experienced by Gypsies and Travellers in relation to health and education, and called for the development of a high-level unit, advised by a Traveller Task Force, to oversee the delivery of adequate sites (specifically through local development frameworks) within the new planning regime which was coming into force at that time.

Conditions on some private sites are also poor. However, self-provided private sites are the preferred option for the majority of Gypsies and

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<sup>137</sup> Niner, 2003; 2004.

<sup>138</sup> Better housing brief: Gypsies, Travellers and accommodation, January 2009, Department of Communities and Local Government, Race Equality Foundation, <http://www.raceequalityfoundation.org.uk/housing/files/housing-brief10.pdf>

<sup>139</sup> Local Authority Gypsy/Traveller Sites in England, Office of the Deputy Prime Minister, July 2003, <http://www.communities.gov.uk/documents/housing/pdf/138832.pdf>

<sup>140</sup> Niner, 2004.

<sup>141</sup> Crawley, 2004.

Travellers interviewed for GTAAs and other associated studies.<sup>142</sup> Financial and planning constraints can nonetheless mean that the only feasible alternative to housing is residence on public sites, if an applicant is fortunate enough to obtain a pitch.<sup>143</sup>

In areas where no public site provision exists, Gypsies and Travellers who cannot access authorised sites are often caught up in a cycle of eviction or use varying degrees of ingenuity to obtain a short respite from moving on. Interviewees who participated in the Dorset GTAA (2006) included some Gypsies and Travellers who parked in secluded areas at the back of farms, resided in caravans in relatives' gardens, and doubled up on family sites in breach of planning restrictions.

Findings from the Dorset GTAA<sup>144</sup> and the West of England GTAA<sup>145</sup> found that a relatively high percentage of New Travellers indicated a preference for low-impact environmentally friendly sites, or simply to remain living on green lanes or unauthorised encampments with minimal facilities. For horse-drawn New Travellers in particular, the needs for fresh grazing preclude residence at one site for a long period of time.<sup>146</sup>

### **Conventional housing**

Respondents spoke of their decision to live in a house as being the result of forced by circumstances, rather than a chosen lifestyle. One respondent informed us of the psychological impact of giving up a travelling lifestyle and the 'culture shock' of being given temporary housed accommodation when her caravan had been destroyed by fire. Other examples of 'culture shock' were 'isolation' and 'dislocation' from the extended family, as most housing can only accommodate the nuclear family; the extended family is a major feature of Gypsy Traveller culture.

When Gypsies and Travellers are allocated housing they are often subject to racial harassment. However, a report by the CRE found that much of this goes unreported.<sup>147</sup>

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<sup>142</sup> Thomason, 2006; Greenfields & Home, 2007.

<sup>143</sup> See Niner, 2003; Richardson, 2007; Clark & Greenfields, 2006.

<sup>144</sup> Home & Greenfields, 2006.

<sup>145</sup> Greenfields *et. al.*, 2007.

<sup>146</sup> Inequalities experienced by Gypsy and Traveller communities: A review, Equality and Human Rights Commission, 2009,  
[http://83.137.212.42/sitearchive/cre/downloads/commonground\\_report.pdf](http://83.137.212.42/sitearchive/cre/downloads/commonground_report.pdf)

<sup>147</sup> Commission for Racial Equality, 2006, page 204.

### **Inability to settle into a house**<sup>148</sup>

Anecdotal evidence suggests that Gypsies and other Travellers sometimes find the transition to living in a house difficult, and that many tenancies ‘fail’ quite quickly with tenants moving back to a site or onto the road again.

Research suggests over 50 per cent of local authority sites suffer from proximity to environmental risks.<sup>149</sup> For some, the conditions on the site, which were thought to contribute to poor health, precipitated a move into housing. For many, particularly older respondents who had a longer prior experience of the ‘freedom’ of travelling, the feeling of confinement was a source of real distress, with sites often referred to as ‘prisons’ or ‘reservations’.<sup>150</sup>

### **1.3.1. Quality of housing available to Roma and Travellers**

#### **1.3.1.1. In terms of affordability**

Many individuals and support groups have drawn attention to the comparatively high cost of utilities on sites, and expressed concern about the methods of payment. Several Gypsies and Irish Travellers contrasted these arrangements with the standards in other types of council accommodation.<sup>151</sup>

A further problem concerns high levels of rent and the resale of electricity or other utilities, which require a site resident to pay an additional premium for the use of electricity obtained through the landlord.<sup>152</sup> Electricity provided through a card meter supplied by local authorities, frequently leads to higher costs than for tenants of local

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<sup>148</sup> Local Authority Gypsy/Traveller Sites in England, Office of the Deputy Prime Minister, July 2003, page 57, <http://www.communities.gov.uk/documents/housing/pdf/138832.pdf>

<sup>149</sup> Niner, 2003.

<sup>150</sup> Patrice Van Cleemput, *Health Impact of Gypsy Sites Policy in the UK*, School of Health and Related Research, University of Sheffield., See: <http://journals.cambridge.org/action/displayFulltext?type=1&fid=1437952&jid=SPS&volumeId=7&issueId=01&aid=1437948>

<sup>151</sup> Common Ground: Equality, good race relations and sites for Gypsies and Irish Travellers, Report of a Commission for Racial Equality inquiry in England and Wales. See: [http://83.137.212.42/sitearchive/cre/downloads/commonground\\_report.pdf](http://83.137.212.42/sitearchive/cre/downloads/commonground_report.pdf)

<sup>152</sup> CRE, 2004; Niner, 2003.

authority housing who contract directly with a supplier rather than the local authority landlord.<sup>153</sup> Respondents to GTAAs have noted that a number of suppliers of electricity and other services will not deal directly with Gypsy sites.<sup>154</sup>

The independent organisation TravellerSpace in Cornwall, who undertook fieldwork for their county's GTAA, responded to the consultation by noting that 'many Travellers live on farms [and] pay extortionate rents'.<sup>155</sup>

### **Licence fees and housing benefit**<sup>156</sup>

There is no guidance to local authorities on licence fee charges, and this also applies to site quality or services. This clearly does not work in the context of rent restructuring to bring local authority and registered social landlord rents more into line and to regularise rent differentials. Such issues also impact on the ease of housing benefits being accessed by caravan dwellers, to which they are entitled. Housing benefit administration will also need consideration if/when transit sites and stopping places are developed to ensure that eligible residents can receive housing benefit for short stays.

A Department for Work and Pensions report looked at the system in place.<sup>157</sup> The research identified that the current system was unfair, in that different sites charged different amounts, despite offering the same level of facilities, and rents allowed are arbitrarily capped, so local authorities do not recover the full costs in some situations.

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<sup>153</sup> Niner, 2003; Southern & James, 2006; CRE, 2004; Crawley, 2004; Power, 2004.

<sup>154</sup> *Inequalities experienced by Gypsy and Traveller communities: A review*, Equality and Human Rights Commission 2009. See:

[http://83.137.212.42/sitearchive/cre/downloads/commonground\\_report.pdf](http://83.137.212.42/sitearchive/cre/downloads/commonground_report.pdf)

<sup>155</sup> *Inequalities experienced by Gypsy and Traveller communities: A review*, Equality and Human Rights Commission 2009. See:

[http://83.137.212.42/sitearchive/cre/downloads/commonground\\_report.pdf](http://83.137.212.42/sitearchive/cre/downloads/commonground_report.pdf)

<sup>156</sup> *Local Authority Gypsy/Traveller Sites in England*, Office of the Deputy Prime Minister, July 2003. See: <http://www.communities.gov.uk/documents/housing/pdf/138832.pdf>

<sup>157</sup> DWP Research Report no.379, *A Single Housing Benefit Control for Gypsy and Traveller sites*, 2006. See:

<http://www.dwp.gov.uk/asd/asd5/rports2005-2006/rrep379.pdf>

### 1.3.1.2. In terms of habitability

#### **Authorised sites**<sup>158</sup>

Unlike conventional housing, there is no statutory framework for managing sites for Gypsies and Irish Travellers. The most recent guidance for local authorities in England on managing sites was jointly published in 1982 by the (then) Department of the Environment and the Welsh Office. Most public sites (90.4 per cent) were managed by the local authority for the area where they were located, or by another authority (often the county council). Only two-thirds (69.9 per cent) of the authorities that provided public sites said they had arrangements to monitor the standard of services for managing sites.

Some examples of very successfully managed sites were found with high quality site and services management: services were provided efficiently; site managers and residents had a good working relationship; and, any difficulties were resolved quickly. In another local authority area, a Gypsy Traveller liaison officer had expanded the role of site management, by finding extra money for site managers to offer residents more help in accessing services.

However, there were also many examples of unsatisfactory arrangements for managing sites. The main complaints were about the lack of essential facilities (such as adequate fire-safety equipment), poor site maintenance, and the disproportionate rent on sites.

#### **Wales**<sup>159</sup>

At least six of the nine sites covered by authorities in the case study had been developed on, or were adjacent to areas where Gypsies/Travellers had settled on, or had visited for many years. This may be one factor accounting for current sites being located away from residential areas and adjacent to tips and scrap yards; this reflects earlier camp site 'choices' and proximity to potential scrap-dealing opportunities. On two sites where there were transit pitches, concern was expressed over the conditions in which families, including children, had to live. On one of

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<sup>158</sup> Common Ground: Equality, good race relations and sites for Gypsies and Irish Travellers, Report of a Commission for Racial Equality inquiry in England and Wales. See: [http://83.137.212.42/sitearchive/cre/downloads/commonground\\_report.pdf](http://83.137.212.42/sitearchive/cre/downloads/commonground_report.pdf)

<sup>159</sup> *Accommodation needs of Gypsy-Travellers in Wales*, Report to the Welsh Assembly Government 2006. See: <http://wales.gov.uk/dsjlg/research/accomneedsgypsy/researche.pdf;jsessionid=v2LWJLMZH0IsKf2vRLk1Tvg1TVGdTnWzQtyLIVNBnnQxRWpHbHzH!-1868201774?lang=en>

these sites, residents told us that five families, including 12 children, were living without proper toilet facilities, showers or bath, and were paying the same rent as families on the residential part of the site. Residents on sites during interviews also mentioned the lack of children's play space on the sites.

### 1.3.1.3. In terms of accessibility

In relation to the easy access of health, education and other local services, there are some official Gypsy sites which are suitably located. In one area, a long-term unauthorised encampment had been converted into a local authority site. It was close to community facilities, such as doctors' surgeries and schools. Help from a local Gypsy and Irish Traveller support group helped the residents of the site to know others in the community, including representatives of local residents' associations. Local residents had supported the Gypsies and Irish Travellers in their campaign for better facilities on the site, and when the latter returned to the site following its refurbishment they were greeted by a banner reading 'Welcome Home' made by the local school and nursery.<sup>160</sup>

On the other hand, data from the survey revealed that at some sites, the following areas were substantially problematic:<sup>161</sup> having dangerous potholes; no play facilities; and no fencing to protect children, even when they were adjacent to busy main roads.

### **Access to housing**<sup>162</sup>

Except where access is difficult for everyone because of excess demand for social housing, respondents identified no real problems facing Gypsies and other Travellers in gaining entry. Examples were quoted of access through homelessness channels (because of domestic violence or unauthorised camping) and normal register channels. However, local authority respondents also commented on the need for sensitivity in letting to Gypsies and other Travellers, and sometimes deplored its lack exhibited by housing colleagues. Respondents noted problems

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<sup>160</sup> Common Ground: Equality, good race relations and sites for Gypsies and Irish Travellers, Report of a Commission for Racial Equality inquiry in England and Wales. See: [http://83.137.212.42/sitearchive/cre/downloads/commonground\\_report.pdf](http://83.137.212.42/sitearchive/cre/downloads/commonground_report.pdf)

<sup>161</sup> Common Ground: Equality, good race relations and sites for Gypsies and Irish Travellers, Report of a Commission for Racial Equality inquiry in England and Wales. See: [http://83.137.212.42/sitearchive/cre/downloads/commonground\\_report.pdf](http://83.137.212.42/sitearchive/cre/downloads/commonground_report.pdf)

<sup>162</sup> *Local Authority Gypsy/Traveller Sites in England*, ODPM, July 2003. See: <http://www.communities.gov.uk/documents/housing/pdf/138832.pdf>

concerning settling into a house and a tenancy, especially for the first time; they also commented that re-housing is not entirely successful for some families, with new payment requirements and form-filling leading to arrears being some of the main problems.

### **Wales**<sup>163</sup>

Seven sites are accessed by means of a private road, the remainder from a public highway. Access to the site was less than five metres wide on six sites. Access was judged to be unsafe on three sites. Only four sites were found to be adequately signed. Six sites (32 per cent) have roads less than five metres wide. One site has no internal site roads at all since pitches are directly accessed from a public highway. Thirteen sites (67 per cent) have adequate turning circles.

#### **1.3.1.4. In terms of location**

##### **Location of sites**<sup>164</sup>

Overall, the CRE Common Ground report, based on the evidence therein suggests that sites varied considerably in location and quality, reflecting the findings of government-commissioned research.<sup>165</sup> While some sites had good facilities, living conditions on others were poor, and in many cases were far below those expected of conventional housing. For example, many sites are located in polluted environments, far away from local services, next to sewage works or under flyovers. Pitches are often overcrowded and facilities are well below the standard expected of social housing.

The hostile response towards any possibility of having Gypsies and Travellers as neighbours, whether on unauthorised or authorised developments, is exacerbated by hostile and inflammatory media reports.<sup>166</sup> Councils are frequently reported to respond to high profile campaigns by reneging on tentative plans for local provision of

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<sup>163</sup> *Accommodation needs of Gypsy-Travellers in Wales*, Report to the Welsh Assembly Government 2006. See:

<http://wales.gov.uk/dsjlg/research/accomneedsghypsy/researche.pdf;jsessionid=v2LWJLMZH0lsKf2vRLk1gsg1TVGdTnWzQtyLIVNBnnQxRWpHbHzH!-1868201774?lang=en>

<sup>164</sup> Common Ground: Equality, good race relations and sites for Gypsies and Irish Travellers, Report of a Commission for Racial Equality inquiry in England and Wales. See: [http://83.137.212.42/sitearchive/cre/downloads/commonground\\_report.pdf](http://83.137.212.42/sitearchive/cre/downloads/commonground_report.pdf)

<sup>165</sup> Niner, 2002.

<sup>166</sup> CRE, 2006, page 13.



authorised sites. This increases tensions between Gypsies and Travellers and local communities, thus increasing their social exclusion.

### **Wales**<sup>167</sup>

The survey found that Gypsy/Traveller sites in England are significantly more likely to experience problems in their local area than English housing stock as a whole. Welsh sites are significantly more likely to experience problems in their surrounding areas than English sites. This may suggest that Welsh sites are located in generally more unattractive areas than English ones, and may reflect the greater likelihood of industrial or commercial neighbours.

#### 1.3.1.5. In terms of cultural adequacy

Harassment and other forms of discrimination targeting housed GRT groups may be attributable to racism on the part of other house-dwellers, or to real or feared differences in lifestyle. A few Gypsies/Travellers may use the house as an amenity unit and eat and sleep in their caravans in the garden. Some will simply sleep in the house and spend their days with family and friends on a site. Neighbours can be especially worried when extended family members visit, and live in their caravan in the garden or near to the house. Generally Gypsy/Traveller approaches to life (regarding dogs, noise, fires, outside living) may be unfamiliar and perceived as culturally inappropriate by neighbours.<sup>168</sup>

### **Fires**<sup>169</sup>

Fires are often banned, or strongly controlled, under licence conditions. This issue was not explored in the surveys, but arose in the course of interviews with Gypsies/Travellers.

Burning is a traditional method of disposing of waste. Travellers often like to light fires to get rid of combustible rubbish or to clean wire and

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<sup>167</sup> *Accommodation needs of Gypsy-Travellers in Wales*, Report to the Welsh Assembly Government 2006. See:

<http://wales.gov.uk/dsjlg/research/accomneedsgypsy/researche.pdf;jsessionid=v2LWJLMZH0lsKf2vRLk1gsg1TVGdTnWzQtyLIVNBnnQxRWpHbHzH!-1868201774?lang=en>

<sup>168</sup> *Local Authority Gypsy/Traveller Sites in England*, Office of the Deputy Prime Minister, July 2003. See: <http://www.communities.gov.uk/documents/housing/pdf/138832.pdf>

<sup>169</sup> *Local Authority Gypsy/Traveller Sites in England*, Office of the Deputy Prime Minister, July 2003. See: <http://www.communities.gov.uk/documents/housing/pdf/138832.pdf>

other scrap for dealing purposes. But a ‘campfire’ also has social functions.

Numerous evidence indicates that neighbours of Gypsies and Travellers complain about social, employment or cultural practices such as: scrapping vehicles or metal; work vehicles parked outside houses; objections to families spending considerable time in their gardens or the street with groups of friends and children, the number and frequency of visitors, or even cooking outdoors around a fire.<sup>176</sup>

### **Women and housing**

Home & Greenfields, (2006), Niner, (2006), and Richardson et. al., (2007) noted a specific gender-related aspect: some female interviewees stated that while men might go out and meet other men or trade, for women, the isolation is intense.

### **1.3.2. Issues of spatial and social segregation, and social cohesion**

As sites are usually found to be placed in areas apart from other communities, as well as being set in areas which are isolated and environmentally unsuitable for children, the result is spatial segregation, which therefore impacts directly on the chances for appropriate social inclusion. Examples of such unsuitable locations are: being adjacent to motorways or major roads, or very close to railways; being near rubbish tips, etc.<sup>170</sup>

### **Wales<sup>171</sup>**

In Wales, GRT sites are also located in areas which, because of isolation and/or environment, would not be thought suitable for other residential uses. Welsh sites are usually found adjacent to industrial or commercial land uses.

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<sup>176</sup> Greenfields, 2006; LGTU, 2001.

<sup>170</sup> See pages 75-93: <http://www.communities.gov.uk/documents/housing/pdf/138832.pdf>

<sup>171</sup> See pages 17-23:

<http://wales.gov.uk/dsjlg/research/accomneedsghypsy/researche.pdf;jsessionid=v2LWJLMZH0IsKf2vRLk1gsg1TVGdTnWzQtyLIVNBnnQxRWpHbHzH!-1868201774?lang=en>

### 1.3.3. Access to private housing.

No real evidence is available for this, merely anecdotal. In the interview with the Roma Support Group Director, we were informed that there is substantiated evidence of direct or indirect exclusion to accessing private housing on the basis of being Roma. They share the same kinds of difficulties as other marginalised groups, and are thus treated in the same way as other groups on the housing waiting lists, by housing officers.

### 1.3.4. Access to social housing: is there any evidence that Roma are directly or indirectly excluded?

From the interview with the Roma Support Group Director, we were informed that there is no evidence of any barrier to accessing social housing on the basis of being Roma. They share the same kinds of difficulties as other marginalised groups when housing allocation is being considered by local authority housing officers.

However, when this latter position of treatment is cross-referenced with comments by another one of our interviewees, Luke Clements, the Human Rights lawyer, we were informed that there appears to be (from his legal understanding) a structural barrier. This is that housing officers are expected to know that current equality legislation particularly expects that people are not all treated the same way, and that their situation (ethnic or otherwise) ought to factor into the decision-making process when allocating housing for groups on the waiting list.

### 1.3.5. Security of tenure and forced evictions

Councils are known to abuse their powers to invoke eviction proceedings. The following from a website advert is how one promotes its services: 'We are the Land Sheriffs, the only UK company that specialises in gypsy (sic) eviction, traveller eviction . . . Often the police and local authority are unable to assist with a speedy eviction because of internal rules that, as a private organisation, do not apply to the Land Sheriffs . . . a quick response company that has trained its staff to implement 24-hour evictions.'<sup>172</sup>

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<sup>172</sup> Land Sheriffs, 2006.

The forced movement of GRT groups, with relocation resulting in further evictions, mirrors the period prior to the 1968 Caravan sites Act. This was introduced primarily to remedy the endless cycle of evictions and lack of provision due to the stringent planning controls introduced by the 1960 Caravan Sites and Control of Development Act. However, despite increased site provision since that period, there is still a considerable shortfall.<sup>173</sup>

Some enforcement officers press for evictions without first consulting specialist health and education officers.

Just over half (51 per cent) of local authorities have used bailiffs to evict Gypsies and Irish Travellers from unauthorised encampments since April 2001; over two-thirds (62 per cent) had not mentioned their responsibility to good race relations and avoiding discrimination in the contracts they drew up.

### 1.3.6. Informal settlements, legality and legalisation of settlements

Many local authorities do not provide basic facilities on unauthorised encampments such as waste disposal, with obvious consequences for site residents, the environment and the wider community.

Figures from the ODPM for the number of caravans show that there are about 15,000 in the UK.<sup>174</sup> Of these, 28 per cent or 4,232 are on unauthorised developments or encampments; 12 per cent or 1,855 are on unauthorised developments (where Gypsies and Irish Travellers own the land but do not have planning permission); and 16 per cent or 2,377 are on unauthorised encampments (where Gypsies and Irish Travellers do not own the land and planning consent has not been given for use as a site).

#### **Unauthorised sites**

There are various specific health implications for those who attempt to continue living a nomadic lifestyle but are increasingly constrained by a

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<sup>173</sup> See page 10:  
<http://journals.cambridge.org/action/displayFulltext?type=1&fid=1437952&jid=SPS&volumeId=7&issueId=01&aid=1437948>, page 110

<sup>174</sup> [http://83.137.212.42/sitearchive/cre/gdpract/g\\_and\\_t\\_facts.html](http://83.137.212.42/sitearchive/cre/gdpract/g_and_t_facts.html)

lack of available legal transit sites. Many gave the stress of increased law enforcement as the main reason for no longer travelling.<sup>175</sup>

Many who feel forced to seek more permanent accommodation aim to continue to live in a trailer, a form of accommodation that is strongly associated with the culture. The lack of suitable places to rent on authorised sites, coupled with lack of transit sites, leads those families with sufficient financial means to buy their own land and to seek planning permission to settle on it; as indeed they have been encouraged to do. However, planning permission is extremely hard to come by for Gypsy and Traveller applicants and this leads to the continuing establishment of new, unauthorised developments,<sup>176</sup>. There were frequent concerns about health due to the site conditions and the surrounding environment. As a direct result of such hazards, children are restricted from one of the desired benefits of living on a site – enjoying the freedom to play outside – as few sites have safe play-space provision (Commission for Racial Equality, 2006).<sup>177</sup>

### **Northern Ireland**

A total of 1,486 individuals were identified in 449 households across Northern Ireland, of which 7 per cent lived on unauthorised sites.

### **Wales**

Of the total 1,412 Travellers (642 adults and 770 children), 3 per cent live on unauthorised sites. Unauthorised sites are not such an issue in Wales as in England. In the preliminary survey, 14 out of 21 authorities said they were not aware of any unauthorised developments where Gypsies/Travellers had bought land and established a caravan without planning permission. Six authorities were all aware of the following developments: single pitch developments in Cardiff and Wrexham; three

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<sup>175</sup> Patrice Van Cleemput, *Health Impact of Gypsy Sites Policy in the UK*, School of Health and Related Research, University of Sheffield,. See: <http://journals.cambridge.org/action/displayFulltext?type=1&fid=1437952&jid=SPS&volumeId=7&issueId=01&aid=1437948>

<sup>176</sup> Patrice Van Cleemput, *Health Impact of Gypsy Sites Policy in the UK*, School of Health and Related Research, University of Sheffield,. See: <http://journals.cambridge.org/action/displayFulltext?type=1&fid=1437952&jid=SPS&volumeId=7&issueId=01&aid=1437948>

<sup>177</sup> Commission for Racial Equality (May 2006) 'Common Ground, Equality, good race relations and sites for Gypsies and Irish Travellers: Report of a CRE inquiry in England and Wales'

pitches in Torfaen; four pitches in Carmarthenshire; and ten pitches in Powys (the number of pitches in Swansea was unknown).<sup>178</sup>

### 1.3.7. Movement, encampment facilities and use of private land

#### **Green-belt areas**

Many Gypsies and Travellers already live in green-belt areas (e.g. around the fringes of London, Cambridge and Luton); in these, the GTAAAs have identified many locally arising needs. All other districts with green-belt areas are expected to make full provision for their locality's needs; indeed 12 are expected to accommodate needs from elsewhere as a result of the imposed minimum requirement.

Planning applications for Gypsy sites are significantly less likely to be approved than those for other types of development. Many local authorities say this is because the sites may be in unsuitable locations, or because of weak applications. But they do little to help Gypsies and Irish Travellers with their applications; only a fifth offer advice on where to buy land. Few local authorities have a policy for identifying, and dealing with, objections to planning applications that are or may be racist.<sup>179</sup>

In England and Wales, when GRTs are on unauthorised sites and on land which they do not own, they are subject to eviction proceedings. When they are camped on their own property, but without planning permission, they are subject to enforcement proceedings.<sup>180</sup>

One way forward for some Travellers, namely those who have land but have been refused planning permission, is to consider a 'land swap'. This requires that local authorities convince GRTs that they can exchange their land for another plot, and one on which planning would be allowed.<sup>181</sup>

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<sup>178</sup> See page 1:

<http://wales.gov.uk/dsjlg/research/accomneedsgypsy/researche.pdf;jsessionid=8yg5JGqZ57nYlfpZC6H8N1hZXppHpvvRvQ2GdY0sjp4mR9msQXy2!-1868201774?lang=en>

<sup>179</sup> [http://83.137.212.42/sitearchive/cre/downloads/commonground\\_report.pdf](http://83.137.212.42/sitearchive/cre/downloads/commonground_report.pdf)

<sup>180</sup> <http://www.gypsy-traveller.org/planning>

<sup>181</sup> The outcome of the feasibility of this is unknown. See:

[http://www.travellerslaw.org.uk/gtlrc\\_archive/archived\\_pdfs/land\\_swap.pdf](http://www.travellerslaw.org.uk/gtlrc_archive/archived_pdfs/land_swap.pdf)

### 1.3.8. Access to public utilities, particularly public transport, and issues of infrastructure and sanitation

#### **Site infrastructure and services**<sup>182</sup>

Many residential sites are said to have little or no street lighting – either because it does not work or does not exist. This is sometimes perceived as a problem, particularly on sites where there have been security concerns.

Residents on some sites reported difficulties with site drainage. The symptoms reported included flooding or puddles in some parts of the site and occasional smells from drains. On a few sites, problems were reported with arrangements for sewage. In one case, sewage was said to have overflowed from a septic tank.

Gypsies and Irish Travellers clearly do not have parity of standards with other service users in what they receive. In the absence of a broad strategy, services for Gypsy sites, such as repairs and basic facilities tend to be overlooked, and problems are addressed in an ad hoc, reactive and poorly coordinated fashion. The main service departments, such as housing and homelessness, fail to tailor their services to Gypsies' and Irish Travellers' particular needs in the same way as for other members of the public. The poor quality of many services is evident, with only two-thirds of authorities with public sites having arrangements to monitor the quality of their services.<sup>183</sup>

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<sup>182</sup> *Local Authority Gypsy/Traveller Sites in England*, Office of the Deputy Prime Minister, July 2003. See:

<http://www.communities.gov.uk/documents/housing/pdf/138832.pdf>

<sup>183</sup> [http://83.137.212.42/sitearchive/cre/downloads/commonground\\_report.pdf](http://83.137.212.42/sitearchive/cre/downloads/commonground_report.pdf)

### 1.3.9. Issues concerning access to housing and quality of housing for third-country Roma/Traveller immigrants, Roma asylum seekers and, especially, Roma/Traveller EU nationals moving to another member state

There are no systematic data of this nature in the UK. However, some studies have been undertaken at Salford University at the Salford Housing and Urban Studies Unit (SHUSU); one of the authors has informed us of some outcomes in relation to Roma interviewees.<sup>184</sup>

A number of projects,<sup>185</sup> were commissioned by local authorities across England, with the purpose of finding out the needs and experiences of A8 and A2 migrant workers in their area. The Liverpool, Nottingham and Peterborough studies have explicitly included Roma communities from within the A8 and A2 countries.

Overall, the Roma interviewed have similar accommodation issues to other EU migrant workers: concentration in private rented accommodation; overcrowding; poor standards; landlords not maintaining properties; and lack of understanding of accommodation choices. These are issues that apply to most migrant communities on arrival in the UK. It is often linked to the fact that people are reliant on social networks (family/friends) living in an area, with these connections helping them find accommodation.

Roma are often likely to aspire to living in socially rented accommodation. It is seen as cheaper, more stable, better maintained, etc. They were also more likely to be accessing different forms of benefits. Homelessness issues were also noted. This was because they were A2 nationals, and so had different rules of access to the labour market. This difficulty in finding a job meant that some were having to live in a hostel.

With regards to Peterborough, this project is just now coming to an end and the report is at a draft stage being agreed by the Steering Group. The findings should be available in July.

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<sup>184</sup> We have been informed that when these are complete, and the local authorities approve a final version, we will be given access to them.

<sup>185</sup> Scullion & Morris, 2009a;b; Scullion, Morris & Steele, 2009.



The Liverpool study is not publicly available yet. Liverpool City Council and partners are currently developing an action plan to take the recommendations forward, and then the report should be available.

### 1.3.10. Campaigns undertaken by authorities in order to inform Roma/Traveller communities of their right to adequate housing

In the UK, there are no such campaigns run by the authorities. Instead, what is publicised are details of initiatives such as the recent notification by the DCLG of the following:<sup>186</sup>

On 18 December 2008 Iain Wright MP announced the successful bidders for funding from the Gypsy and Traveller Sites Grant in 2008/09 to provide new pitches to reduce unauthorised camping, and help improve conditions on existing authorised sites. The funding enables local authorities and registered social landlords to provide new authorised pitches whose residents will pay rent, council tax and other utility bills.

It is clear that GRTs live in a vicious cycle of deprivation generated by their exclusion from mainstream society, coupled with the copious barriers they face when trying to provide a lifestyle which has significance for them culturally and historically.

Evidently, they move into fixed housing based on decisions which stem from health issues, and not from choice. Often they find that this move is unsuitable for them personally, and unsuitable for those not from GRT communities.

Their many encounters with mainstream society are strewn with negative experiences (evictions, lack of understanding), which only add to their ongoing social exclusion.

In the case of children or adults with health problems, these groups appear to suffer that much more given limitations such as inequitable access to healthcare provision, and limited mobility for those with disabilities.

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<sup>186</sup> <http://www.communities.gov.uk/housing/housingmanagementcare/gypsiesandtravellers/>

## 1.4. Case law and complaints relating to the housing of Roma and Travellers

### **The Equality and Human Rights Commission (EHRC)**<sup>187</sup>

The Commission works to bring together the work of the previous three equality commissions and works on issues related with age, sexual orientation, religion, belief and human rights. It is a non-departmental public body established under the Equality Act 2006, but independent of the government.<sup>188</sup>

The Commission intervened in the case of Basildon Council to advise on how the law in relation to race and disability should be applied in such cases. The Commission offered guidance on how councils should come to decisions to ensure such decisions are taken in a fair and transparent way. However, the Commission did not intervene in whether or not councils are within their rights to evict Gypsies from unauthorised sites.<sup>189</sup>

In the UK, there are no such data on complaints regarding Roma or Travellers. As a result, there are no sanctions or compensation payments in relation to discrimination regarding these groups' access to housing.

## 1.5. Identifying good practices

### Best practice 1

**The Cambridgeshire sub-region Gypsies' and Travellers' Accommodation Assessment (GTAA)** was the first in the country to include Gypsies and Travellers as part of the research team. Interested individuals were trained as interviewers and paid to interview Gypsies and Travellers. This training also provided them with a transferable skill, and all have been engaged in interview work elsewhere since then. Gypsies and Travellers were offered the choice of a local or regional

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<sup>187</sup> <http://www.equalityhumanrights.com/en/Pages/default.aspx>

<sup>188</sup> <http://www.equalityhumanrights.com/en/aboutus/pages/aboutus.aspx>

<sup>189</sup> <http://www.equalityhumanrights.com/en/newsandcomment/Pages/DaleFarmTravellerCase.aspx>

interviewer so that they didn't have to disclose personal information to a local if they didn't want to.

**Organisation/institution:** county council.

**Type of organisation/institution:** government.

**Type of initiative:** consultation for site provision.

**Total budget and sources of funding:** government, but budget figure not on public record.

**Rationale:** The brief (from Cambridgeshire County Council Research Group) required a major new assessment of service needs for Travellers, based upon a survey, and supported by material from relevant public agencies and other sources. It derived in part from the Cambridge Sub-Region Housing Strategy 2004-2008/09, which had identified the limited state of information on Gypsy/Traveller needs.

**Objectives:** this project assesses service needs for Gypsies and Travellers in the Cambridge area. The aims of the study were as follows.

a) To assess the current and potential future need within the Travelling communities in Cambridgeshire and Peterborough for learning, health services and other services provided by local authorities and their partner organisations.

b) To understand the demographic profile of the Travelling Community, household formation within it, accommodation and housing needs and routes into accommodation and housing.

c) To increase understanding of how services might best be provided to meet Travellers' needs, such as how to make services and accommodation accessible to Travellers.

d) In accordance with the statutory requirement (since 2004) to provide an accommodation assessment, applying the approach recommended in the ODPM draft practice guidance for such assessments, published in February 2006.<sup>190</sup>

**Target group:** Roma people and Travellers.

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<sup>190</sup> ODPM, 2006.

**Time frame and location:** 2005-2010. The area covered was the Cambridge sub-region, comprising: Cambridge City; East Cambridgeshire; Fenland; Forest Heath (Suffolk); Huntingdonshire, St. Edmundsbury (Suffolk); and South Cambridgeshire; with the addition of Peterborough (unitary district) and King's Lynn & West Norfolk (Norfolk).

**Brief description of main activities:** the study was commissioned by Cambridgeshire County Council on behalf of a consortium of the abovementioned public authorities. It also provides an assessment of the accommodation needs of Gypsies and Travellers 'residing in or resorting to their district',<sup>191</sup> as required under the Housing Act 2004 and following ODPM guidance from 2006.

Particularly relevant statutory responsibilities were:

- the 2004 Housing Act requirement for specific local housing/accommodation needs assessments of Gypsies/Travellers;
- an obligation upon public bodies to promote good relationships between persons of different racial groups;<sup>192</sup>
- the 2004 Planning Act's requirements for community involvement.

There were a number of data sources for the study. The main source was a survey undertaken by a supervised team of mainly Gypsy/Traveller interviewers, which interviewed 313 Gypsies/Travellers, on sites of all types (including 40 in housing) within the study area in 2005. There have also been official six-monthly counts of caravans since 1980, and local school rolls data were consulted.

Local research, particularly the baseline material, was provided by Cambridgeshire County Council,<sup>193</sup> the EEDA report,<sup>194</sup> and recent Norfolk guidance (South Norfolk 2005).<sup>195</sup>

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<sup>191</sup> GTAA.

<sup>192</sup> Race Relations Act 1976, as amended, section 71.

<sup>193</sup> Cambridgeshire Travellers Review, 1998.

<sup>194</sup> Ormiston Children and Families Trust, 2005.

<sup>195</sup> <http://www.south-norfolk.gov.uk/CARMS/meetings/cab2005-05-23ag12.pdf>

Related research studies, included the Birmingham University study of local authority sites,<sup>196</sup> the Sheffield University health study,<sup>197</sup> the Leeds study<sup>198</sup> and the Essex needs study.<sup>199</sup>

The Adams study of 1975 was also consulted, based upon in-depth interviews with 125 families. Its findings on family size, household structure and experience of house dwelling are similar to our own, although in some aspects less detailed (e.g. there is little on site type, tenure or future needs).

**Involvement of Roma and Travellers in the design, implementation and assessment:** the research project involved mixed and experimental methodologies. The main innovative feature was the involvement of English Gypsies and Irish Travellers in the design and delivery of the survey. This represents an advance in community involvement, and should facilitate better community relations in the future. Community members are stake-holders in the project, and capacity is enhanced amongst a generally socially excluded community. The study used a snowball sampling method, with referrals from respondents on known sites getting through to others in 'hard-to-reach' categories (unauthorised and housed).

This survey is believed to be the largest and most comprehensive of Gypsy/Traveller accommodation and service needs yet undertaken in England. The methodology is innovative, particularly for its Gypsy/Traveller involvement, which is hoped will become a model to inform future local accommodation needs assessments for Gypsies/Travellers (a statutory requirement since the 2004 Housing Act).

Guidance from the Office of the Deputy Prime Minister recommends that Gypsies should be stakeholders in accommodation assessment, with the new plan-making system requiring statements of community involvement. This project was designed to achieve partnership working, a methodology agreed with the client. An advisory group of nine Gypsies and Travellers was formed, which met four times; all of them were engaged in policy initiatives or activism and had relevant socio-political and cultural experience.

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<sup>196</sup> Niner, 2002.

<sup>197</sup> Parry, 2004.

<sup>198</sup> Baker, 2005.

<sup>199</sup> Salford, 2006.

**Transferability and sustainability:** this kind of approach has been replicated in other areas such as Leicestershire, Surrey and Dorset.

Councils need to connect with Gypsies and Travellers in ways that they can identify with. Kent County Council recognises that these communities traditionally rely on oral communication, and so offers as many face-to face meetings as possible. It has also begun distributing information on professionally produced CDs so that people can listen rather than read, as well as identifying who is literate in the local Gypsy and Traveller communities and providing them with written materials.

Fenland District Council contacts Gypsy and Traveller families when they arrive in their area. The Council takes a coordinated approach, which includes planning officers, to understanding what their needs are. Officers encourage Gypsies and Travellers to discuss any proposed planning applications prior to either submitting them or purchasing land. This proactive approach has helped to alleviate misgivings from the 'settled' community, and there have been only limited objections to proposed Gypsy and Traveller sites. In Doncaster, the preparation of its Gypsy and Traveller Strategy made the planning service and the Gypsy liaison team aware of the value of better cooperation between the two council teams. This has led to close working between both sections on the draft Local Development Framework, and a more formalised process for seeking the liaison team's input on planning applications.

The study was a general research for GRT groups rather than having a specific focus on Roma women, children, the elderly or persons with disabilities.

No difficulties or limitations were encountered.

## Best practice 2

**Title:** Dale Farm Travellers

**Organisation/institution:** the Dale Farm Housing Association.

**Type of organisation/institution:** civil society.

**Type of initiative:** advocacy and awareness.

**Total budget and sources of funding:** this information is not publicly available.

**Rationale:** Dale farm, in Basildon, England, currently hosts 85 families and/or up to 1,000 individuals living in a range of permanent and semi-permanent buildings and caravans. There is a High Court injunction preventing their eviction from the property by force. However this was followed by a Court of Appeal Ruling on 22 January which overturned the High Court ruling quashing a decision by Basildon Council to forcibly remove the families from their land. Following the Court of Appeal decision, Basildon Council issued the families with a letter stating that there would be no immediate attempt at eviction and that families would be given a 28 day warning of any impending attempt at forcible removal.

The site was founded on an ex-scrap yard after a 1994 Act repealed the right for travellers to be provided berths for their caravans. Half of the site was granted planning permission, with the dispute centred on a 40-acre extension of the zone which was retrospectively applied for by approximately 500 people. The families have lived at the site at Dale Farm since the 1960s and, although they own the land, they have been denied permission to develop it because the area now falls within the green belt. Up to 200 school children will be forced to drop out of full-time education if the eviction goes ahead, which will force the local school to close. Furthermore, no provision has been made to re-house the community; it is predicted that it will be forced onto the roads.

A while ago, the then Commission for Racial Equality (now the EHRC) issued a statement to the effect that the eviction order was racially motivated. The campaign to save the village at Dale Farm has been supported by many people and groups, including political parties, church and community groups, human rights organisations and grassroots activist groups and individuals.

**Objectives:** to stop the eviction of the families living on Dale Farm.

**Target group:** civil society, politicians, law lords, police officers, and senior council staff.

**Time frame and location:** 2004 to present, England.

**Brief description of main activities, and examples of transferability and campaign sustainability:** the Dale Farm Housing Association won support from international human rights groups in Europe. On 29 October 2007, in a joint statement to 16 European governments, the following leading human rights groups have included Dale Farm in a list of “serial abuses” against the housing rights of Roma, Gypsies and

**Travellers:** the Centre on Housing Rights and Evictions; the European Roma Rights Centre; the Greek Helsinki Monitor; the Italian human rights organisation Osservazione; and the Slovak NGO Milan Simecka Foundation.

**Taking the case to Europe:** Richard Sheridan, chairman of the Dale Farm Housing Association visited Brussels on 5 November 2007 to argue against the eviction at a conference to review efforts to fight exclusion against Roma and Gypsies.

**Lobbying the British prime minister:** On 20 November 2007, Travellers protested outside 10 Downing Street, residence of the British Prime Minister Gordon Brown on behalf of Dale Farm.

**Applying the law:** On 11 February 2008, Justice Andrew Collins, a senior member of the British High Court, began a week-long hearing on an appeal from Dale Farm.

**Building political support locally:** On 8 March 2008, the leader of the Basildon Council Labour Party announced that Labour councillors opposed evicting the Travellers, thus breaking with the Conservative majority. The Dale Farm Housing Association has started emailing individual councillors.

**Targeting the evictors:** On 3 April 2008, Basildon Council announced that it would not hire Constant and Co. to carry out any future eviction at Dale Farm. The company has been repeatedly criticised by the Dale Farm Housing Association for the violent manner with which it had conducted previous evictions.

**Working with Amnesty International:** On 25 March 2008, members of the Atlantic branch of Amnesty International-USA launched a letter-writing campaign on behalf of Dale Farm, with help from an article in the Washington Post by the Advocacy Project. The letters were sent to the British Ambassador in Washington.

**January 2009:** The Dale Farm families have joined with the Equal Rights Trust to lobby Law Lords to hear their case in a last-ditch attempt to have the Court of Appeal decision overturned.

Dale Farm Housing Association has also set up a monitoring group with support from the UN Habitat agency. The monitors will be deployed to track the way in which Basildon Council deals with the growing body of homelessness applications which have been lodged by the Dale Farm



families. Currently, 60 applications (covering 80 adults and 102 children) have been submitted to the council, although this number is expected to rise.

**Involvement of Roma and Travellers in the design, implementation and assessment:** the Dale Farm Housing Association is formed by Roma people and the campaigns are steered by them.

**Specific focus on Roma women, children, the elderly or persons with disabilities:** the campaign is for all Roma people, however, due to fears about the safety of young children, the sick and elderly during the eviction process, a meeting with senior police officers and senior council staff was organised, in the hope that an agreement might have been reached about their safe evacuation prior to the arrival at Dale Farm of any heavy demolition equipment, together with bailiffs. There were also concerns about a large contingent of police officers being present, many possibly in riot gear.

**Difficulties and limitations encountered:** there have been some objections from locals.

## 1.6. Major national projects targeting the housing situation of Roma and Travellers that were not included in the previous section

In the UK, there are no major national projects targeting the housing situation of Roma and Travellers. However, throughout this thematic study, we have extensively referred to the ODPM Circular 1/2006. This is not a project. Nonetheless, it provides national guidance on the planning aspects of finding sites for Travellers, etc., as well as informing how local authorities ought to work with such groups to this end.

### **Gypsy and Traveller Accommodation Assessments (GTAAs) and Caravan Counts**

The Department for Communities and Local Government has stated that over 80 per cent of local authorities have made a start on Gypsy and Traveller Accommodation Assessments and many are finalised or near to being finalised at present. However, deep concerns have arisen regarding the robustness of many GTAAs, and as a result the DCLG has commissioned research to help resolve the difficulties.<sup>200</sup> This research addressed some of the issues arising and developed a tool to help make assessments of residential pitch requirements. However useful though this tool is, it does not address the central problem which besets most GTAAs: that there was no ground check on the veracity of the base information from which needs assessments flow – the bi-annual caravan counts. Even the Cambridge sub-region GTAA, which was found to be robust by the research, contained the statement that the quantification of need at which the authors arrived was conservative. By implication, this was because the count data were used as the starting point for the study.

These counts are voluntary and carried out by local authorities and reported to central government. The DCLG has published these statistics. The counts have been subject to severe criticism, and research carried out on behalf of the ODPM in 2003<sup>201</sup> stated that accuracy varies between local authorities, one of the reasons for which was the non-involvement of the Gypsy and Traveller population. The research recommended that

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<sup>200</sup> DCLG, Preparing Regional Spatial Strategy Reviews on Gypsies and Travellers by Regional Planning Bodies, March 2007.

<sup>201</sup> ODPM, *Counting Gypsies and Travellers*, Housing Research Summary No. 206, 2003.

the design of a revised system should be guided by its purpose, and that the count needed to be re-launched to stress its importance, links to policy, and how the information would be used.

The counts are now reported in a different format than earlier, showing numbers of caravans on authorised private and RSL sites. They give details of 'tolerated' and 'non-tolerated' unauthorised sites split between those on Gypsies own land and those on land not owned by Gypsies. Whilst this is useful, no attempt has been made to check the veracity of the data presented. There has been no check in the field. It is suitable to note here that the GTAA scheme can also be seen as a project of this kind.

## 2. Field research: interviews

### **Interviewee details, methodology, and summary of main points**

This study accessed a total of six interviewees: three from civil society and three representing various authorities. This included Roma representatives (one female). All were most compliant with the interview process, willing to answer all questions to the best of their knowledge. The term GRT (Gypsy, Roma, and Travellers) is used by Roma key actors, whether government or non-government. As a result, it has been utilised in this section. The interviewees accessed were as follows.

- 1) SI, the Roma Support Group<sup>202</sup> (RSG): face-to-face interview, lasting over one hour.
- 2) PN, the Centre for Urban and Regional Studies, at the University of Birmingham. Methodology: face-to-face interview, lasting over one hour.
- 3) CK, the Homes and Community Agency's Gypsy and Traveller Unit. The Agency is a newly formed government department. Methodology: telephone interview, lasting over 40 minutes.
- 4) LC, Cardiff Law School. Methodology: telephone interview, lasting just under one hour.
- 5) RD, Coventry Council. Methodology: telephone interview, lasting about 30 minutes.
- 6) LH, long-term qualified social worker. Methodology: telephone interview, lasting about 35 minutes.

In order to present this section in a logical manner, the summary of main points broadly follows the line of questioning from the interview schedule. There are clearly identifiable trends regarding GRT groups arising from the seemingly diverse interview group. These are concerned with the overall treatment and continued marginal position of GRTs in society, which impact on their ability to be treated equitably, as well as deny GRT participation as equal members with the rest of society.

It is clear from the various responses that issues surrounding what are thought to be the most important features of Roma/Traveller housing and

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<sup>202</sup> <http://www.romasupportgroup.org.uk/>

accommodation situational experiences, that a lack of sites often result in illegal encampments, which then in turn lead to homelessness, was a shared concern. Another point noted by all of the respondents was of the racism experienced by GRT groups.

The latter point generally provides additional barriers for GRT groups, in trying to find alternate housing (not the culturally preferred housing choice in the case of Travellers). SI said: ‘housing officers work on rejecting you as a potential client, and not at assessing you as a potential client [...] Housing provisions are not set up for vulnerable people, but for very assertive people.’

PN said the problems associated with the shortage of sites seem to be due to a: ‘preferred culturally specific choice of accommodation for Gypsies and Travellers’. This in turn leads ‘to the unauthorised encampments and unauthorised developments of sites, leading to community tensions’.

The UK planning system requires that you have to have planning permission to build on land, even if owned outright. This has been a cause of problems for many GRT families buying land and assuming they could build on it as they pleased. Not all land, such as green-belt areas, is available for building for domestic purposes.

There is evidence of existing xenophobic attitudes to, or at the very least great disregard for, GRT groups in the 21st century, from the general public, by petty officials (housing officers), education workers, and some health workers. The lives, and therefore the encompassing problems associated with trying to maintain a mobile existence, seems alien to all who come across GRT groups.

With regard to work which interviewees’ organisations did on behalf of GRT groups, we have the following information. Even though the interviewees work in different situations in relation to GRTs, it became clear that there is no possible way that housing and accommodation issues can be analysed in the absence of other crucial intersecting areas of the lives of GRT groups (some of which they themselves work within). These can broadly be seen as, and not limited to, healthcare provision, education, employment, interaction with the wider society, and engaging with local authorities.

This parallels material throughout this report, in that the lives of GRT groups (in the same way as all other marginalised groups) rely on the successful inter-relation of their life experiences in the realms of health and healthcare provision, employment and education, in addition to

adequate housing or accommodation provision. GRT groups have inequitable access to all of these.

A good example of this is the work which RD and LH have undertaken in their interactions with GRT groups. Although they provide a range of educational needs, they are frequently called upon to provide help with housing related queries by GRTs. These include form-filling in the case of families who have been evicted and do not wish to move to another area, because their children are settled in schools, and so they wish to appeal against the eviction.

In relation to national, regional or local policies, and the impact on GRT groups' housing needs, the following information is available. All interviewees were aware that England has a national policy towards GRT accommodation provision, as set out in the ODPM Circular, no.1/2006. This Circular provides guidance on the planning aspects of finding sites for Gypsies and Travellers, and how local authorities and these groups can work together to achieve that aim by mainstreaming GRT housing needs, in the same way that the wider population's needs are assessed. GRT groups are still regarded as having a specialist need.

LC noted that upwards of 30 per cent of GRTs do not have anywhere to legally pitch their caravans. The government is aware of this, and the needs assessment being implemented across the country due to the ODPM Circular is a positive development, but takes time.

SI wanted to be very clear about recognising the distinct needs of Roma since in her experience, Roma coming to the UK seek fixed rather than mobile housing. This links to report themes on the importance of cultural recognition of GRT groups.

SI provided an example of the ways in which, despite such a policy, the realities for GRTs are in fact totally different. Being dependent on the Homeless Persons Unit, GRTs end up having to move from one place to another, thus providing them with a short stop-gap form of accommodation from the private letting sector, which is subsidised heavily by housing benefits. The Roma are at the mercy and whim of landlords, with a constant cycle of uncertainty, and insecurity of tenure. This lifestyle impacts directly and triggers on their health, lack of continuous access to education, on their mental health and well-being, as well as on their social and economic integration.

What was also significant is that in addition to having to deal with different kinds of racism, GRT groups are subjected to decisions by local

authority housing officers, which in the opinion of LC, are basically unfair. We were informed that in London, these officers make no allowances for the cultural needs of GRT groups when allocating housing, because they misinterpret how the 2006 Equality Act is really supposed to operate. On this point LC noted that this type of 'officer is extremely ignorant of their equality obligations. Because equality obligations don't require you to treat everybody the same. [...] they need to have a disparate approach to them. Those key messages are not filtering through to key people like housing officers.'

It is clear that the legal system does not favour GRTs in decisions in courts, both in the UK and in wider Europe. The human rights lawyer, LC, expressed concerns surrounding the rights of Roma and equitability in decision outcomes, when in situations where they are facing a court judgment.

There was general consensus of a lack of publicly available evidence of good practices, especially at the local authority level. CK mentioned that such initiatives were often met with a very hostile public reaction because of the monies spent on GRT groups.

PN notes that UK good practices tend to relate to caravan-dwelling GRT groups. However, the Roma Support Group offers quite a number of initiatives for its Roma client base. These are not really housing-relevant, but tend to all fall under the RSG's social inclusion programme. Each of these intersect with poor or inadequate housing issues, and often Roma experience a range of these in varying difficulties; however, each initiative has a housing element embedded within it.

Given the kinds of roles the various participants have, for most, there was no direct involvement in cases of housing discrimination. In the case of the Roma Support Group, there is evidence of racial discrimination; however, legal challenges are generally on the basis of need and negligence on the part of agencies, lack of sympathetic understanding of the needs of Roma, etc. So, usually the RSG's role is challenging the system and the inherent structural impediments.

PN, who has conducted substantial research at the central government policy level is sure that progress to date in the UK is not as much as is portrayed, despite the UK being seen at times as a potential benchmark for good-practice initiatives. This sentiment is mirrored by other interviewees.

## 3. ANNEXES

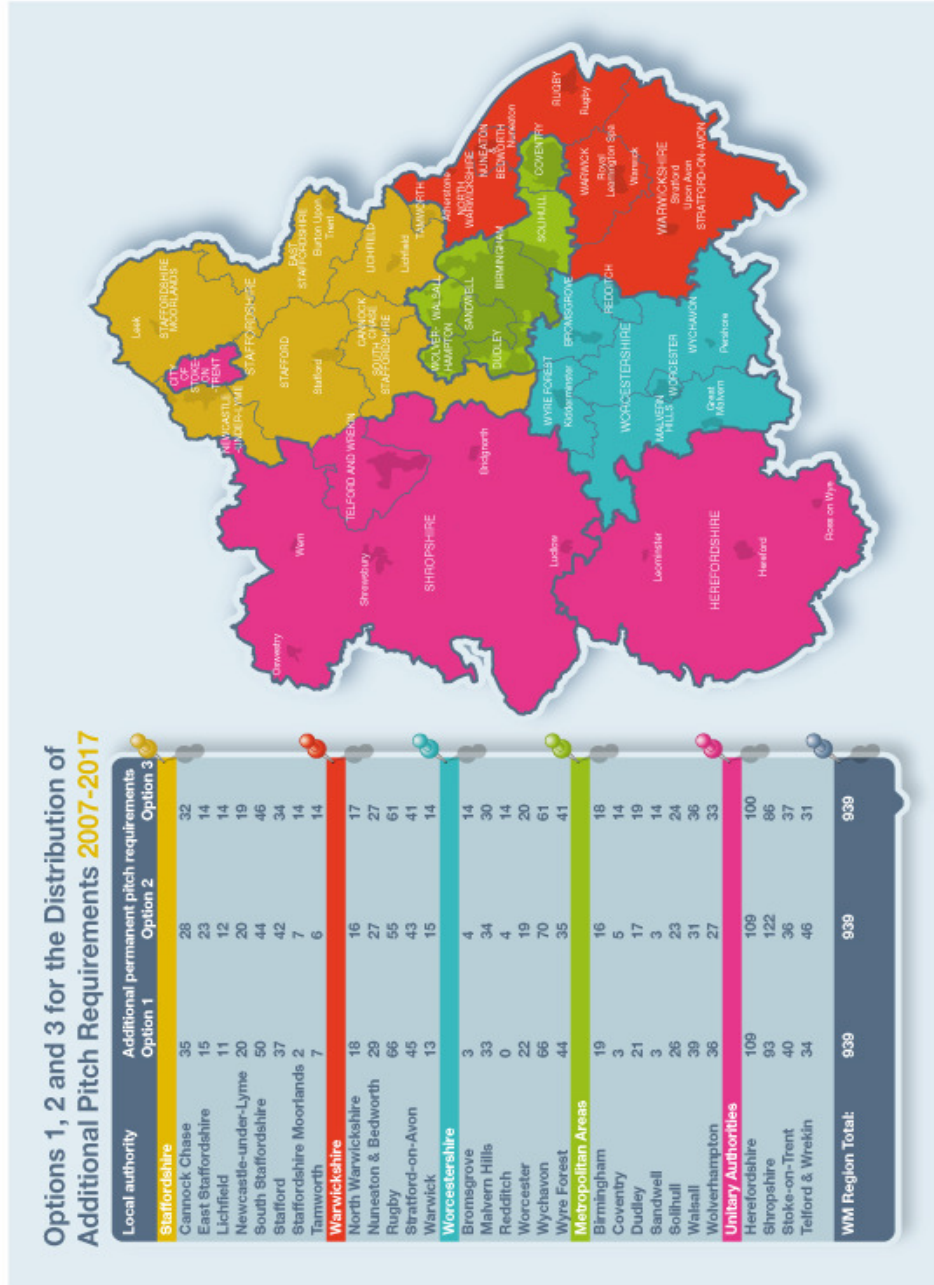
### 3.1. Annex 1

Additional information for section 1.1.7.

**General public policy on housing (e.g. action plans and strategies) targeting specifically the Roma and Traveller housing situation, on the national, regional and local levels**

These are figures for the West Midlands region 2007-2017 and provide data on the distribution of additional pitch requirements. This information was provided by the sixth interviewee for this report as a result of discussions within the interview process. These are internal data, and we still await two more such items, as well as an internal reference for them. This relates to the discussion in paragraph 59 of this report.





Additional information for section 1.2.2.

**Data on the housing conditions of Roma and Travellers and non-Roma/Travellers, including location issues**

**Local Authority Gypsy/Traveller Sites in England**

**Table 3.5: Problems in the local area: comparison of Gypsy sites and the english Housing stock** <sup>203</sup>

**Factor % assessed as a problem on factor (page 75)**

|   | <b>Gypsy sites</b> | <b>English housing stock</b> |
|---|--------------------|------------------------------|
| Litter/rubbish/dumping                  | 36                 | 12                           |
| Heavy traffic                           | 30                 | 17                           |
| Railway/aircraft noise                  | 18                 | 9                            |
| Unkempt gardens/landscape               | 18                 | 13                           |
| Intrusion from motorways/arterial roads | 16                 | 11                           |
| Vandalism                               | 15                 | 7                            |
| Ambient air quality                     | 13                 | 12                           |
| Dog excrement                           | 12                 | 8                            |
| Intrusive industry                      | 10                 | 4                            |
| Vacant or derelict sites/buildings      | 10                 | 3                            |
| Graffiti                                | 7                  | 7                            |
| Nuisance from parking                   | 6                  | 24                           |
| Non-conforming land use                 | 4                  | 3                            |

Gypsy/Traveller sites are more likely to suffer most of the problems listed above, rather than bricks-and-mortar housing. The exceptions are ambient air quality, graffiti and non-conforming land use, where proportions suffering a problem are similar; and nuisance from parking where Gypsy sites are significantly less likely to suffer. Differences between sites and housing are particularly marked for litter/rubbish/dumping, vacant or derelict sites/buildings, vandalism and intrusive industry.

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<sup>203</sup> OPDM Report, July 2003. See pages 75-93:  
<http://www.communities.gov.uk/documents/housing/pdf/138832.pdf>

Additional information for section 1.2.4.

(Under paragraph 131, page 32)

**Number of Roma/Travellers living in regulated encampments, and numbers of such areas in the country, with approximate duration of residence (including data on public utilities available in regulated encampments).**

**Social housing options, and responses to a postal survey for Gypsy/Travellers , responses were as follows:<sup>204</sup>**

- 44 per cent said there were no families waiting for social housing, and a further 29 per cent said between one and five families were waiting;
- only 2 per cent of local housing authorities able to give the information had over 20 Gypsy/Traveller families waiting for social rented housing;
- most local housing authorities with higher numbers waiting are in the East and West Midlands.

Estimates for numbers of Gypsy/Travellers housed in a year are also very low overall:<sup>205</sup>

- 38 per cent of local housing authorities able to give an estimate said that no Gypsies/Travellers had been housed, and a further 22 per cent estimated that, on average, no more than one is housed each year;
- 27 per cent estimated re-housing at between one and five a year, 8 per cent between six and ten, and 6 per cent over ten (highest 30);
- Local housing authorities accommodating higher numbers (10 or more a year) are spread geographically, but are mostly urban areas.

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<sup>204</sup> See pages 54-56: <http://www.communities.gov.uk/documents/housing/pdf/138832.pdf>

<sup>205</sup> Source: postal survey pages 54-56:  
<http://www.communities.gov.uk/documents/housing/pdf/138832.pdf>

Additional information for section 1.2.7.

**Data on household type and size, including overcrowding, national room and space standards relating to overcrowding, and comparable room and space data for Roma and non-Roma**

**Number and Age of site residents**<sup>206</sup>

Total site population (84 sites)

- 3,847, range 0-183, mean 45.8, median 40

Total number of adults (85 sites)

- 2,550, range 0-100, mean 30, median 22

Total number of children (83 sites)

- 1,544, range 0-89, mean 18.6, median 15

Proportion of children in different age groups (72 sites)

- under 5: 31%; 5 – 11: 41%; 12 -16: 28%<sup>207</sup>

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<sup>206</sup> See page 112: Box 5.: <http://www.communities.gov.uk/documents/housing/pdf/138832.pdf>

<sup>207</sup> Source: management survey.

Additional information for section 1.2.9.

**Data on access of Roma/Travellers to public utilities, broken down by residential type**

Local Authority Gypsy/Traveller Sites in England, July 2003, OPDM Report<sup>208</sup>

**Quality of Site**

The survey listed 13 potential problems. The most significant problems, each experienced on more than 10 per cent of sites are:

|                           |     |
|---------------------------|-----|
| litter/rubbish/dumping    | 47% |
| dog excrement             | 28% |
| vandalism                 | 25% |
| heavy traffic             | 25% |
| railway/aircraft noise    | 23% |
| unkempt gardens/landscape | 17% |
| ambient air quality       | 13% |
| graffiti                  | 12% |

**Residential sites:** fire protection (paragraph 135 of this report)<sup>209</sup>

**Water supply:** mains supply on almost all sites; supply adequate on 94 per cent of sites.

**Mains electricity:** mains supply on almost all sites; cabling all underground on 93 per cent of sites; supply adequately earthed on 99 per cent of sites.

**Gas:** mains gas supply on 5 per cent of sites; liquified petroleum gas (LPG) used on 95 per cent of sites; LPG storage facilities provided on only 6 per cent of sites where used; LPG storage meets health and safety regulations on only 5 per cent of sites where LPG is used.

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<sup>208</sup> See pages 75-93: <http://www.communities.gov.uk/documents/housing/pdf/138832.pdf>

<sup>209</sup> Source: physical survey.

**Surface water treatment:** surface water drainage good (54 per cent of sites); fair (28 per cent); poor (19 per cent). Storm water drain installed on 73 per cent of sites.

**Sewerage:** sewage disposal adequate on 98 per cent of sites; sewage treatment by mains (79 per cent of sites); treatment plant (9 per cent); septic tank (7 per cent); and cesspool (4 per cent).

**Refuse disposal:** adequate on 96 per cent of sites.

### **Residential sites: communal provision**

Provision of communal facilities is relatively rare on sites. Play areas – the most commonly provided communal facility other than open land – are provided on a quarter of sites.

### **Provision of communal facilities on residential sites**

Communal work areas are provided on 6 per cent of sites; two-thirds of these are in use. Communal stores are provided on 4 per cent of sites. Animal grazing land is provided on 13 per cent of sites. Other open land is provided on 34 per cent of sites. Public telephones are provided on 2 per cent of sites, one is working and one is not. Play areas are provided on 25 per cent of sites: of these, 82 per cent are in use; 67 per cent are judged to be safe; 65 per cent have fixed play equipment; most are grassed.<sup>210</sup>

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<sup>210</sup> Source: physical survey

**Site location and environment (paragraph 137 of this report)**

Perceived reasons for poor site condition or maintenance:<sup>211</sup>

| reason                     | % of local authority sites |
|----------------------------|----------------------------|
| age and usage              | 64                         |
| vandalism                  | 64                         |
| poor initial design        | 57                         |
| inadequate funding         | 48                         |
| poor initial construction  | 41                         |
| inadequate maintenance     | 30                         |
| poor site management       | 25                         |
| poor materials used        | 23                         |
| other                      | 16                         |
| (sample of 44 interviewed) |                            |

**Satisfaction with accommodation in Northern Ireland (paragraph 148 of this report)**

satisfaction with current accommodation (%)

|                                     |    |
|-------------------------------------|----|
| very satisfied:                     | 25 |
| satisfied:                          | 28 |
| neither satisfied nor dissatisfied: | 10 |
| dissatisfied:                       | 16 |
| very dissatisfied:                  | 21 |
| no response/Refusal:                | 1  |

reason for dissatisfaction (%)

|                           |    |
|---------------------------|----|
| poor living conditions:   | 55 |
| overcrowding:             | 16 |
| not safe for children:    | 8  |
| wants security of tenure: | 5  |
| other:                    | 14 |
| no response/refusal:      | 2  |

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<sup>211</sup> Source: postal survey

**Satisfaction with accommodation in Wales (paragraph 149 of this report)**

specific problems:<sup>212</sup>

|                            |          |
|----------------------------|----------|
| litter/rubbish:            | 11 sites |
| vandalism:                 | 9 sites  |
| evidence of rats/ vermin:  | 8 sites  |
| dog excrement:             | 6 sites  |
| heavy traffic:             | 6 sites  |
| vacant/derelict buildings: | 5 sites  |
| intrusive industry:        | 5 sites  |
| unkempt gardens/landscape: | 5 sites  |

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<sup>212</sup> See page 20:  
<http://wales.gov.uk/dsjlg/research/accomneedsghypsy/researche.pdf;jsessionid=v2LWJLMZH0lsKf2vRLk1gsg1TVGdTnWzQtyLIVNBnnQxRWpHbHzH!-1868201774?lang=en>



## 3.2. Annex 2: Statistical data and tables

Please complete the table below (covering period 2000-2009)

|  | 2000-2009   |
|--|---|
| Number of complaints regarding ethnic discrimination received by complaints authorities (such as ombudsperson's offices and national equality bodies)  | As we have noted in the Executive Summary, there are no statistics of this kind in the UK |
| Number of instances where ethnic discrimination was established by complaints authorities (such as ombudsperson's offices and national equality bodies)  | As we have noted in the Executive Summary, there are no statistics of this kind in the UK |
| Follow-up activities of complaints authorities (such as ombudsperson's offices and national equality bodies), once discrimination was established (please disaggregate according to type of follow up activity: settlement, warning issued, opinion issued, sanction issued, etc.) | As we have noted in the Executive Summary, there are no statistics of this kind in the UK |
| Number of sanctions and/or compensation payment in ethnic discrimination cases (please disaggregate between court, equality body, other authorities or tribunals etc.) regarding access to housing (if possible, disaggregated by gender and age)                                  | As the result of the lack of statistics on complaints, these figures are also unavailable |
| Range of sanctions and/or compensation in your country (please disaggregate according to type of sanction/compensation)  | As above  |

### 3.3. Annex 3: Court, specialised body or tribunal decisions

|  |  |
|--|--|
| Case title   | 1) Varey v. United Kingdom <sup>213</sup>  |
| Decision date  | 21 December 2000   |
| Reference details<br>(type and title of court/body; in original language and English [official translation, if available]) | European Court of Human Rights   |
| Key facts of the case<br>(max. 500 chars)  | Joseph and Mary Varey were Roma by birth, and British nationals. They bought land to live on in accordance with their traditions, as planning regulations and the shortage of sites left them with no other option. However, enforcement measures were taken against them on the grounds that their occupation violated planning regulations.                                      |
| Main reasoning/argumentation<br>(max. 500 chars)   | The applicants complained that the measures taken against them violated their right to respect for home, family and private life contrary to Art. 8 of the European Convention on Human Rights. They had no effective access to a court to challenge the decision contrary to Art. 6 and they had been subjected to discrimination due to their ethnicity, which violated Art. 14. |
| Key issues (concepts, interpretations) clarified by the case (max. 500 chars)  | In its report of 25 October 1999 (former Article 31 of the Convention), the Commission expressed the opinion that there had been a violation of Article 8 of the Convention (by 26 votes to 1), that there had been no violation of Article 6 of the Convention (25 votes to 2) and that there had been no violation of Article 14 of the Convention (20 votes to 7).              |
| Results (sanctions) and key consequences or implications of the case (max. 500 chars)                                      | The case was struck out following a friendly settlement in which 60,000 GBP were to be paid in full and final settlement for the complaints under the European Convention on Human Rights, and 15,500 GBP were to be paid for costs and expenses.  |

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<sup>213</sup> [www.feantsa.org/files/housing\\_rights/Instruments\\_and\\_mechanisms\\_relating\\_to\\_the\\_right\\_to\\_housing/.../vareyjudgement.doc](http://www.feantsa.org/files/housing_rights/Instruments_and_mechanisms_relating_to_the_right_to_housing/.../vareyjudgement.doc)

|  |  |
|--|--|
| Case title   | 2) Chapman v. United Kingdom <sup>214</sup>  |
| Decision date  | 18 January 2001  |
| Reference details<br>(type and title of court/body; in original language and English [official translation, if available]) | European Court of Human Rights   |
| Key facts of the case<br>(max. 500 chars)  | The applicant bought some land and lived in a caravan on it. Her applications for planning permission were refused and enforcement notices were issued. Appeals against the enforcement notices were dismissed as the land was in the metropolitan green belt. The family was given 15 months to relocate and the council stated it would find a suitable location for them. The time expired and they had nowhere to go and so stayed on the land. She then applied for planning permission for a bungalow as it had been stated that this would be a more appropriate use of the land. This was also refused.  |
| Main reasoning/argumentation<br>(max. 500 chars)   | She submitted that the enforcement of planning restrictions violated the right to respect for private and family life (Article 8, Schedule 1, Part I) of the Human Rights Act 1998, and the right to the peaceful enjoyment of her land under (Art. 1, Schedule 1, Part II). Further, the decision constituted discrimination against Gypsies as an ethnic group which breached Art. 14, Schedule 1, Part I.   |
| Key issues (concepts, interpretations) clarified by the case (max. 500 chars)  | Article 8 does not necessarily allow an individual's preference regarding place of residence to override the general interest. Interference will be 'necessary in a democratic society' for a legitimate aim if it answers a 'pressing social need' and is proportionate to the legitimate aim pursued. A margin of appreciation must be left to national authorities, as they are more able to evaluate local needs.<br>The court considered whether the development would be appropriate and stated that allowing it would encourage similar schemes, which would be harmful to the protection of green belts. |

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<https://login.westlaw.co.uk/app/document?&src=ri&docguid=I85E7CF30E42711DA8FC2A0F0355337E9&hitguid=I85E7A820E42711DA8FC2A0F0355337E9&suppsguid=ia744dc40000011fa044f96b64c5215b&spos=1&epos=1&td=2>

|   |   |
|---|---|
|   |   |
| Results (sanctions) and key consequences or implications of the case (max. 500 chars) | <p>Her application was refused on the grounds that her individual desires had to be weighed against the environmental objections to her proposed use of the land.</p> <p>Art. 8 cannot be construed to oblige state parties to supply the demand for Gypsy sites.</p> <p>The interference with her enjoyment of her property was proportional and fairly weighed against the requirements of Art. 1 and 2 of Protocol 1. Since her interests had been balanced against those of society at large, Article 14 had not been breached.</p> |

|  |   |
|--|---|
| Case title   | 3) Coster v. United Kingdom <sup>215</sup>  |
| Decision date  | 18 January 2001   |
| Reference details<br>(type and title of court/body; in original language and English [official translation, if available]) | European Court of Human Rights  |
| Key facts of the case<br>(max. 500 chars)  | <p>The applicant was unable to find a site and moved to local authority accommodation. His family's health suffered and so they purchased a piece of land and moved onto it in a caravan, applying for retrospective planning permission. Permission was refused on the ground that this was detrimental to the appearance of the local rural environment. Enforcement action was taken several times. He sold the land and moved back onto local authority accommodation, but his family's health suffered again, so he bought a piece of land with the intention of applying for planning permission to live there.</p> |

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<https://login.westlaw.co.uk/app/document?&src=ri&docguid=I8EE6D180E42711DA8FC2A0F0355337E9&hitguid=I8EE6AA70E42711DA8FC2A0F0355337E9&suppsrguid=ia744d00c0000011fa0465a41435c13d3&spos=1&epos=1&td=2>

|  |  |
|--|--|
| <p>Main reasoning/argumentation<br/>(max. 500 chars)</p>                                     | <p>The applicant contended that the measures caused interference with his right to family life, Art. 8 of the European Convention on Human Rights; the right to live peacefully on his land, Art. 1 of Protocol No. 1; and the right to education, Art. 2 of Protocol No. 2. The decision was discriminatory against gypsies as an ethnic group, breaching Art. 14, Schedule 1, Part I. The government submitted that the measures were in the interests of the economic well-being of the country, the preservation of the environment and public health.</p>   |
| <p>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p>         | <p>A margin of appreciation must be left to the national authorities, who are better placed than international courts to evaluate local needs.<br/>The interference with his right to respect for family life and home was lawful and necessary in a democratic society. The UK has a positive duty to facilitate the Gypsy lifestyle, but this does not amount to a duty to provide every gypsy with a site of their choice.<br/>There is an appropriate system of planning control and the application was given due consideration and an appeal heard by an independent inspector who gave weight to the competing interests.</p> |
| <p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p> | <p>Art. 8 does not bestow the right to be provided with a home. The applicant's rights had been balanced against the legitimate needs of the community for the preservation of the environment.<br/>There was no discrimination under Art. 14; any interference with the peaceful enjoyment of property was proportionate and in compliance with requirements under Art. 1 of Protocol No. 1. No violation of Art. 2 of Protocol No. 1 was found.</p>  |
| <p>Case title</p>  | <p>4) Beard v. the United Kingdom<sup>216</sup></p>  |
| <p>Decision date</p>   | <p>18 January 2001</p>   |

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<https://login.westlaw.co.uk/app/document?&src=r1&srguid=ia744dc40000011f9fe2526064c51bf9&docguid=I70BA3580E42711DA8FC2A0F0355337E9&hitguid=I70BA3580E42711DA8FC2A0F0355337E9&spos=1&epos=1&td=2&crumb-action=append&context=26>

|  |   |
|--|---|
| Reference details<br>(type and title of court/body; in original language and English [official translation, if available]) | European Court of Human Rights  |
| Key facts of the case<br>(max. 500 chars)  | John and Catherine Beard stationed caravans on land bought by them in Lancashire. They were refused planning permission twice on the grounds of visual amenity and highway safety considerations. They were prosecuted four times between 1991 and 1995 and faced injunction proceedings in 1996, which led to John Beard receiving a suspended committal to prison for three months for failure to remove the caravans. They left the land as a result.            |
| Main reasoning/argumentation<br>(max. 500 chars)   | It was submitted that his right to respect for family life under Art. 8 of the European Convention on Human Rights 1950 had been violated.  |
| Key issues (concepts, interpretations) clarified by the case (max. 500 chars)  | A wide margin of appreciation had to be accorded to domestic authorities who were better placed to reach decisions concerning planning considerations. The Court found that the planning inspector had identified strong environmental objections to the applicant's use of their land which outweighed the applicants' individual interests. Further, the Roma could camp at any caravan site with planning permission and so alternatives were available to them. |
| Results (sanctions) and key consequences or implications of the case (max. 500 chars)                                      | The application was dismissed. Article 8 did not bestow the right to be provided with a home and the applicant's rights had been balanced against the legitimate needs of the community for proper highway control and environmental preservation.  |
| Case title   | 5) Lee v. United Kingdom <sup>217</sup>   |
| Decision date  | 30 January 2001   |

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| Reference details<br>(type and title of court/body; in original language and English [official translation, if available]) | European Court of Human Rights   |
| Key facts of the case<br>(max. 500 chars)  | The appellant settled on land he had purchased, which was in a special landscape area, and was subject to special planning policies. Planning permission was refused as the inspector found that ‘the group of three caravans within the fenced site is a most conspicuous and alien form of development in this exposed rural location and is in conflict with the character and appearance of its surroundings’. The local authorities issued an enforcement notice. The applicant complained that the official sites were not fit for human habitation, as they were located on rubbish sites or old sewage beds. |
| Main reasoning/argumentation<br>(max. 500 chars)   | The applicant complained that the planning and enforcement measures taken against him violated his right to respect for his private and family life (Art. 8 of the European Convention on Human Rights) and submitted that he had been discriminated against because he was a Gypsy, breaching Art. 14. He also complained of a breach of his right to peaceful enjoyment of possessions, contrary to Art. Protocol, No. 1 and a breach of his grandchildren’s right to education contrary to Art. 2 of protocol No. 2.  |
| Key issues (concepts, interpretations) clarified by the case (max. 500 chars)  | A wide margin of appreciation had to be accorded to domestic authorities who were better placed to reach decisions concerning planning considerations. Further, the Roma could camp at any caravan site with planning permission, and so alternatives were available to them.<br>No one could claim an absolute right to a home under Art. 8. Favouring Gypsies would in fact lead to substantial difficulties in terms of Art. 14. Therefore, the enforcement measures were not disproportionate with the aim being pursued.  |
| Results (sanctions) and key consequences or implications of the case (max. 500 chars)                                      | The complaint was dismissed on the grounds that there had been no violation of Art. 8, Art. 1 of Protocol No. 1 or Art. 14. As his grandchildren had been attending local schools, he had not substantiated his complaint as to the breach of their right to education either.   |
| Case title   | 6) R. (on the application of Smith) v. Barking and Dagenham LBC <sup>218</sup>   |

<sup>218</sup> <https://login.westlaw.co.uk/app/document?&src=ri&docguid=17F2D2220E42811DA8FC2A0F0355337E9>

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| Decision date  | 19 November 2002   |
| Reference details<br>(type and title of court/body; in original language and English [official translation, if available]) | Queen's Bench Division (Administrative Court)  |
| Key facts of the case<br>(max. 500 chars)  | The claimant, Albert Smith, a Romany Gypsy, brought a claim against the London Borough of Barking and Dagenham to prevent the eviction of himself, his wife and four children and his caravan from a council site. He also applied for judicial review seeking a declaration that the provisions of Part I of the Caravan Sites Act 1968 were incompatible with the European Convention on Human Rights.   |
| Main reasoning/argumentation<br>(max. 500 chars)   | Unlike tenants of council houses, Gypsies do not enjoy security from eviction under the Caravan Sites Act 1968. The claimant argued that this violates Art. 8, 14 of the Human Rights Act 1998. The legislation is designed to facilitate a nomadic life. However, as this kind of lifestyle is ending for most Gypsies, the legislation is unsatisfactory. The justification given by the Secretary of State was that resources for publicly funded accommodation are limited. Accommodation for travellers being converted into accommodation for settled persons makes planning for travellers difficult. |
| Key issues (concepts, interpretations) clarified by the case (max. 500 chars)  | Following from the principle of margin of appreciation established by the European Court of Human Rights, domestic courts will respect parliamentary policy, particularly in an area such as housing.<br><br>If security of tenure was given to all long-term caravan occupiers, how would one differentiate between Gypsies and other occupiers who put a mobile home on a site? This would be detrimental to those Gypsies who were still nomadic. 'Actual or potential nomadism is the justification both for the lack of security of tenure, and also for the special arrangements [...] for them.'      |
| Results (sanctions) and key consequences or implications of the case (max. 500 chars)                                      | The application for judicial review was refused on the grounds that the situation regarding Gypsies could not be resolved merely by granting the same security of tenure to long-term caravan occupiers on council sites as those given to dwellers on private sites.  |



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| Case title   | 7) Somerset CC v. Isaacs <sup>219</sup>  |
| Decision date  | 24 May 2002  |
| Reference details<br>(type and title of court/body; in original language and English [official translation, if available]) | Queen's Bench Division (Administrative Court)  |
| Key facts of the case<br>(max. 500 chars)  | The local authority brought proceedings for possession of a plot occupied by the applicant: a Gypsy living in a caravan, who counterclaimed. The local authority had granted him a licence to occupy his caravan on land owned by it and sought to revoke the licence after he had threatened a local authority employee with violence.  |
| Main reasoning/argumentation<br>(max. 500 chars)   | The applicant argued that eviction was in breach of the Human Rights Act 1998, Sch.1, Part I, Articles 8 and 14. The local authority had granted him a licence to occupy his caravan on land owned by it and sought to revoke the licence after he threatened a local authority employee with violence. He argued that the Caravan Sites Act 1968 Section 4(6) and the Mobile Homes Act 1983 Section 5 were incompatible with Art.8 and Art.14 of the Human Rights Act 1998.   |
| Key issues (concepts, interpretations) clarified by the case (max. 500 chars)  | Security of Tenure would have detracted from the purpose for which these sites were provided: that is for temporary occupation. Further, it is not inevitable that Sec. 4(6) of the Caravan Sites Act 1968 and Sec. 5 of the Mobile Homes Act 1983 would lead to infringement of Art. 8, and inevitability of breach is the test for incompatibility. In relation to Art. 14 of the Human Rights Act 1998, both exemptions were justified due to the status of local authorities in providing such sites, rather than any personal attributes of the licensee. |
| Results (sanctions) and key consequences or implications of the case (max. 500 chars)                                      | The appeal was dismissed on the grounds that the exempting provisions under the Caravan Sites Act 1968 and the Mobile Homes Act 1983 were necessary and proportionate and did not infringe Art. 8 of the Human Rights Act 1998.  |

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| Case title   | 8) R. (on the application of Smith) v. Barking and Dagenham LBC <sup>220</sup>  |
| Decision date  | 5 March 2003  |
| Reference details<br>(type and title of court/body; in original language and English [official translation, if available]) | Court of Appeal (Civil Division)  |
| Key facts of the case<br>(max. 500 chars)  | This is an appeal regarding a refusal of judicial review. The applicant had a tenancy of a mobile home on a local authority Travellers' site. He sought permission to appeal against a ruling of the Queen's Bench Division ([2002] EWHC 2400, [2002] 48 E.G.C.S. 141) that the Caravan Sites Act 1968 Section 4(6) was not incompatible with the Human Rights Act 1998 Sch.1, Part I, Art.8, and Art.14. |
| Main reasoning/argumentation<br>(max. 500 chars)   | The applicant argued that he and others in his position were discriminated against since in the case of tenants of council houses the court had the power to suspend a possession order; whereas in the case of tenants on caravan sites, the court was expressly prevented from exercising such a power under Sec. 4(6) of the Caravan Sites Act 1968.   |
| Key issues (concepts, interpretations) clarified by the case (max. 500 chars)  | The Court refused the application on the grounds that there was justification for not affording residents on caravan sites the same protection which a resident of a council house enjoyed.<br>The judge in the Queen's Bench Division had considered in detail the material placed before him and was entitled to refuse the application for judicial review made by the appellant.                      |
| Results (sanctions) and key consequences or implications of the case (max. 500 chars)                                      | The Court did not hold Section 4(6) to be incompatible with Articles 8 and 14 of the European Convention of Human Rights. Further, it was stated that no public policy reasons could be raised for the application to be granted.   |

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| Case title   | 9) South Buckinghamshire DC v. Porter (No. 1) <sup>221</sup>   |
| Decision date  | 22 May 2003  |
| Reference details<br>(type and title of court/body; in original language and English [official translation, if available]) | House of Lords   |
| Key facts of the case<br>(max. 500 chars)  | In three joined cases the local authorities appealed against a decision to lift injunctions which had been granted based on Sec. 187B of the Town and Country Planning Act 1990. The respondents were Gypsies living on land in breach of planning control. In each case, the local authority obtained an injunction to restrain the breach.   |
| Main reasoning/argumentation<br>(max. 500 chars)   | The local authorities maintained that if on an application under Sec. 187B a planning breach was proven, an injunction should be granted, unless it could be shown that the decision to enforce planning control was invalid on Wednesbury grounds. It was argued that the Court erred in trespassing upon the issue of planning judgement by taking into account and weighing the hardship a defendant would suffer if he was forced to move from the site against purely planning considerations.  |
| Key issues (concepts, interpretations) clarified by the case (max. 500 chars)  | The local authority's decision under Sec. 187B would be given weight as they are the democratically elected body responsible for planning control. The relevance of the decision will depend on the extent to which they can show that they had regard to material considerations and the principles of necessity and proportionality.<br>The European Court of Human Rights in two cases involving Gypsies in the UK decided that enforcement actions by local planning authorities involved an interference with the rights of Gypsies; they were however, in accordance with the law and pursued legitimate aims. |
| Results (sanctions) and key consequences or implications of the case (max. 500 chars)                                      | The appeal was dismissed. It was held that the Court had discretion under Sec. 187B which had to be exercised judicially; it would be strongly inclined to grant an injunction where it appeared that a breach may continue, unless restrained by the law, and only an injunction would be effective in stopping it.<br><br>If it appeared that the planning authorities had fully considered the issues of hardship and still resolved that it was necessary to   |

<sup>221</sup> <https://login.westlaw.co.uk/app/document?&src=ri&docguid=IB6F97F00E42811DA8FC2A0F0355337E9>

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|  | seek an injunction, the Court would accord respect to the balance struck between public and private interests. |
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| Case title   | 10) Connors v. United Kingdom <sup>222</sup>  |
| Decision date  | 27 May 2004   |
| Reference details<br>(type and title of court/body; in original language and English [official translation, if available]) | European Court of Human Rights  |
| Key facts of the case<br>(max. 500 chars)  | <p>The applicant settled on the local authority's site for Gypsies, where he and his family lived for about 13 years. They moved due to violence and disturbances. They returned about a year later to the site and were licensed to occupy a plot provided they not cause a nuisance. On 31 January 2000, a notice to quit was served on them on the grounds that they had caused considerable nuisance.</p> <p>The applicant stated that, since the eviction, his family had had to move repeatedly, and the stress and uncertainty had contributed to the break-up of his marriage, and had hindered his son's education.</p>        |
| Main reasoning/argumentation<br>(max. 500 chars)   | <p>The applicant complained that he was not able to challenge the allegations in court. Local authorities running Gypsy sites were not required to prove allegations under the Mobile Homes Act 1983. He relied on Articles 8 (right to respect for private and family life), 14 (prohibition of discrimination), 6 (right to a fair hearing) and 13 (right to an effective remedy), and Article 1 of Protocol No. 1 (protection of property).</p> <p>The government submitted that the interference was necessary. The special regime applicable to Gypsy sites was intended to ensure that the special needs of Gypsies were met.</p> |

<sup>222</sup> [http://www.lexisnexis.com/uk/legal/results/docview/docview.do?docLinkInd=true&risb=21\\_T579354\\_6432&format=GNBFULL&sort=JUDGMENT-DATE,D,H,\\$PSEUDOSK,A,H&startDocNo=1&resultsUrlKey=29\\_T5793546435&cisb=22\\_T5793546434&treeMax=true&treeWidth=0&csi=274793&docNo=1](http://www.lexisnexis.com/uk/legal/results/docview/docview.do?docLinkInd=true&risb=21_T579354_6432&format=GNBFULL&sort=JUDGMENT-DATE,D,H,$PSEUDOSK,A,H&startDocNo=1&resultsUrlKey=29_T5793546435&cisb=22_T5793546434&treeMax=true&treeWidth=0&csi=274793&docNo=1)

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| <p>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p>         | <p>Interference with Art. 8 requires weighty reasons of public interest not found in this case. It is not concerned with general planning or economic policy but with the issue of procedural protection for a particular category of persons. The case is distinguished from Chapman.<br/>                 The power to evict without having to give examinable reasons does not respond to any goal or provide any benefit, and makes judicial review ineffective.<br/>                 The situation in England places obstacles in the way of Gypsies pursuing a nomadic life, while also excluding those living a settled life from procedural protection.</p> |
| <p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p> | <p>The Court found that the eviction of the applicant and his family from the local authority site was not attended by the requisite procedural safeguards. Consequently, it could not be regarded as justified by a 'pressing social need' or proportionate to the legitimate aim being pursued. There had, accordingly, been a violation of Article 8. Having found a violation of Article 8, the Court held that no separate issue arose under Articles 14, 6 and Article 1 of Protocol 1. The Court found no violation of Article 13.</p>   |

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| <p>Case title</p>  | <p>11) South Cambridgeshire DC v. Gammell<sup>223</sup></p>  |
| <p>Decision date</p>   | <p>24 October 2008</p>   |
| <p>Reference details<br/>(type and title of court/body; in original language and English [official translation, if available])</p> | <p>Court of Appeal (Civil Division)</p>  |
| <p>Key facts of the case<br/>(max. 500 chars)</p>  | <p>This is an appeal against a decision granting an injunction on an application by the respondent local planning authority to restrain the appellant Gypsies from using occupying land for the residential mobile homes or caravans. They had placed mobile homes on the land in breach of planning control. The enforcement notice was not complied with, and the local authority,</p> |

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|   | considering reports of its officers on the options available in respect of continuing breaches of planning control, applied for an injunction under the Town and Country Planning Act 1990 to restrain the breaches.   |
| Main reasoning/argumentation<br>(max. 500 chars)                                      | The appellants submitted that the local authority's decision to apply for an injunction under s.187B of the Town and Country Planning Act 1990 was ultra vires, as it had failed to take into account its duties under Sec. 71 of the Race Relations Act 1976. They argued that the local authority had failed to take into account Sec. 24 of the Caravan Sites and Control of Development Act 1960 that empowered it to provide or acquire land for a caravan site. The failure to consider making another site available should have led the Court to exercise its discretion and refuse the injunction.            |
| Key issues (concepts, interpretations) clarified by the case (max. 500 chars)         | The local authority and the courts are given a very broad discretion under s.187B of the Town and Country Planning Act 1990. The local authority could apply for an injunction where it considered it necessary or expedient for a breach of planning control to be restrained by injunction. The Court applied the decisions in R v Basildon DC Ex. P Clarke [1995] J.P.L. 866 QBD and South Buckinghamshire DC v Porter (No. 1) [2003] 2 A.C. 558. Moreover, it had as part of its context a decision of the Secretary of State which took into account the ethnic status of the occupiers and their personal needs. |
| Results (sanctions) and key consequences or implications of the case (max. 500 chars) | Appeal dismissed. The local authority had not failed in its statutory duties under s.71 of the Race Relations Act 1976 and the code of practice, nor had it left out of account any relevant consideration, but the Court rather than the planning authority had the discretion to grant and refuse an injunction. The appellant's argument that the application for an injunction was invalid also failed on the facts. The judge had been entitled to exercise his discretion and grant the injunction.  |
| Case title  | 12) R (on the application of McCarthy) v. Basildon DC <sup>224</sup>   |
| Decision date   | 22 January 2009  |

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| <p>Reference details<br/>(type and title of court/body; in original language and English [official translation, if available])</p> | <p>Court of Appeal (Civil Division)</p>  |
| <p>Key facts of the case<br/>(max. 500 chars)</p>  | <p>This is an appeal against a judgement given by the Queen’s Bench Division on 9 May 2008, whereby the Court quashed the decision of the Basildon District Council to take direct action under Sec. 178 of the Town and Country Planning Act 1990, to force compliance with enforcement notices regarding use of land in the green belt. The Queen’s Bench Division held that the local authority should have given consideration to whether alternative sites could be found for the Travellers. They had failed to consider families whose eviction would be disproportionate.</p>                                |
| <p>Main reasoning/argumentation<br/>(max. 500 chars)</p>   | <p>The Travellers contended that the local authority acted disproportionately in choosing this method, instead of seeking an injunction under Sec. 187B of the Act.<br/>Furthermore, the council failed to regard the duties which arise when a local authority is embarking on a programme of mass evictions, rendering numerous households homeless.</p>   |
| <p>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p>   | <p>The Court held that the decision of the Secretary of State in Circular 01/2006 must be respected. The respondents were seeking the equivalent of temporary planning permission, or an extension of time for compliance with the enforcement notices. However, the Secretary of State had refused to grant any temporary planning permission. In addition, the time for compliance had expired, so the local authorities had the right to proceed to enforcement.<br/>The Court based its decision of giving deference to government policy on the judgement of the European Court of Human Rights in Chapman.</p> |
| <p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>                                       | <p>The appeal was allowed. The flagrant disregard of enforcement notices in the past could legitimately form a basis for a decision to take action under Sec. 178. Given the context, the local authority had not erred in failing to give consideration to alternative sites at the time of deciding to proceed under Sec. 178.<br/>The local authority had given sufficient consideration to each respondent’s case in all circumstances, and the decision was lawful.</p>   |

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