A Big or Divided Society?

Final Recommendations and Report of the Panel Review into the Coalition Government Policy on Gypsies and Travellers

This report was compiled, written and edited by: A Ryder, T Acton, S Alexander, S Cemlyn, P Van Cleemput, M Greenfields, J Richardson, and D Smith
Acknowledgements

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Parliamentary Launch – the report was launched at a reception in the Jubilee Room, Westminster Hall, House of Commons on the 11th May 2011 at a reception hosted by Lord Avebury and Andy Slaughter MP.
## Index

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduction</td>
<td>4</td>
</tr>
<tr>
<td>Aims of the Panel Review</td>
<td>5</td>
</tr>
<tr>
<td>Recommendations</td>
<td>8</td>
</tr>
<tr>
<td>Coalition Policy on Gypsies &amp; Travellers</td>
<td>13</td>
</tr>
<tr>
<td>Panel Review</td>
<td></td>
</tr>
<tr>
<td>Site Delivery</td>
<td>18</td>
</tr>
<tr>
<td>Empowerment and Localism</td>
<td>34</td>
</tr>
<tr>
<td>Community Cohesion and Fairness</td>
<td>41</td>
</tr>
<tr>
<td>Social Inclusion</td>
<td>53</td>
</tr>
<tr>
<td>Opportunities for Dialogue and Reform</td>
<td>75</td>
</tr>
<tr>
<td>Conclusion</td>
<td>80</td>
</tr>
<tr>
<td>Appendices</td>
<td>89</td>
</tr>
<tr>
<td>Bibliography</td>
<td>98</td>
</tr>
</tbody>
</table>
INTRODUCTION

Since the first piece of legislation was past against ‘Egyptians’ (Romany Gypsies) by Henry VIII in the 1500’s, Gypsies and other Travellers have had a complex and difficult relationship with the state. For the last five centuries a seemingly unending list of laws have been drawn up to ban, restrict and criminalize them for their way of life, with apparently little recourse to the more universal laws that are supposed to ensure equality and dignity to all. Despite this, they have thrived amongst us, enriching our culture and society through their resilience, tenacity and humor in the face of adversity and exclusion. Perhaps most striking of all is their continued courage and strength against the unrelenting machinery of state in standing up for what they believe in. Once again, Gypsy Roma Traveller face new changes in the law that will affect them directly, forcing them to engage yet again in a campaign to ensure their basic rights are protected.

The Travellers Aid Trust has actively supported Traveller law reform for many years. In light of the proposed policy changes being put forward by the new Coalition government and their potential impact on the Gypsy Roma Traveller community, the Trust welcomed the opportunity to facilitate a Panel Review. The Panel has provided a platform that has brought together a wide range of stakeholders enabling them to share their wealth of knowledge and experience in this area.

The following Report and recommendations are the result of the time and energy of many and varied people from a range of backgrounds and professions as well as the poignant testimony of Gypsies and Travellers themselves. In compiling and publishing this Report, the Trust hopes to facilitate a better understanding of the implications and intricacies of the proposed policies to those vested with the power to affect changes that will impact directly on the wellbeing of those for whom they are responsible.

Susan Alexander - Trust Administrator
THE AIMS OF THE PANEL REVIEW

Len Smith (cited in Crawley, 2004), a Gypsy campaigner for Traveller Law Reform, stated that the provision of more sites presented a ‘win-win’ situation for Gypsies and Travellers and the wider community. He argued that authorised sites would allow Gypsies and Travellers to access services and become part of, and contribute more effectively towards, the communities in which they resided. Furthermore, the wider community would be spared the inconvenience and cost of unauthorised developments and encampments, thus strengthening community cohesion and the inclusion of Gypsies and Travellers into the wider community.

Such sentiments are neither novel nor radical. A survey of statements made by various politicians and stakeholders demonstrates that these views are increasingly held across the spectrum of mainstream national political thought, despite persistent resistance to this approach at a local level. However, the huge challenge is to find a strategy that can deliver the sites needed and which has broad political and public support. It is often at the local level where consensus and support for site provision has been derailed. Thus ‘localism’, which seeks to empower neighbourhoods and communities in the planning process and is one of the guiding principles of Coalition Government policy, may present serious challenges to site delivery. Alternatively, opportunities for greater local dialogue and development of local community groups (which are facets of localism) may also present opportunities.

The Travellers Aid Trust (TAT) secured funding to establish a Panel whose remit was to evaluate the impact of the Localism Bill and other policies that affect Gypsies and Travellers and to produce a report to determine means by which Government proposals can be strengthened and made more effective in terms of site delivery and social inclusion.

The convened Panel was composed of a range of politicians from the main political parties and a number of established academics and legal experts. The Panel heard evidence from a wide range of stakeholders including local government, other service providers, the police and of course Gypsies and Travellers themselves.
<table>
<thead>
<tr>
<th>Theme and Date</th>
<th>Panel</th>
<th>Witnesses</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Accommodation Planning and Enforcement</strong></td>
<td>Dr Jo Richardson (De Montfort University)</td>
<td>Sir Brian Briscoe (former chair Task Group on Site Provision and Enforcement for Gypsies &amp; Travellers)</td>
</tr>
<tr>
<td>Thursday 3rd February</td>
<td>Rory Stewart MP Conservative</td>
<td>Clr Richard Bennett (Local Government Association)</td>
</tr>
<tr>
<td>Room 3A House of Lords, Westminster</td>
<td>Lord Avebury Liberal Democrat</td>
<td>Steve Staines (Traveller Law Reform Project)</td>
</tr>
<tr>
<td></td>
<td>Lord Boswell Conservative</td>
<td>Frieda Schicker &amp; Helena Kiely (London Gypsy &amp; Traveller Unit)</td>
</tr>
<tr>
<td></td>
<td>David Joyce (Barrister at Law)</td>
<td>Chris Johnson (Community Law Partnership) &amp; Marc Willers (barrister)</td>
</tr>
<tr>
<td></td>
<td>Professor Acton OBE</td>
<td>Assistant Chief Constable Janette McCormick &amp; Inspector Mark Watson (ACPO)</td>
</tr>
<tr>
<td></td>
<td>Dr Andrew Ryder Budapest (Corvinus University Budapest)</td>
<td>Annette Warren &amp; Bill Forrester (NAGTO)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Siobhan Spencer MBE, Sally Woodbury &amp; Roger Yarwood (National Federation of Gypsy Liaison Groups)</td>
</tr>
<tr>
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<td></td>
<td>Joanna &amp; David Price, Tom McCready (Gypsies)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Tony Thomson &amp; Abbie Kirkby – new Travellers (CLT)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Candy Sheridan &amp; Joseph P Jones (The Gypsy Council)</td>
</tr>
<tr>
<td><strong>Health, Children, Welfare and Education issues related to accommodation</strong></td>
<td>Dr Margaret Greenfields (Bucks New University)</td>
<td>Sir Al Aynsley-Green (Former Children’s Commissioner) Emeritus Professor UCL</td>
</tr>
<tr>
<td>Friday 4th February</td>
<td>Dr. Sarah Cemlyn (Bristol University)</td>
<td>Matthew Brindley (Irish Traveller Movement in Britain)</td>
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<td>1 Abbey Gardens, House of Lords, Westminster</td>
<td>Baroness Whitaker Labour</td>
<td>Chris Whitwell (Friends Families and Travellers)</td>
</tr>
<tr>
<td></td>
<td>Dr David Smith (Canterbury Christ Church University)</td>
<td>Bridget McCarthy – Irish Traveller</td>
</tr>
<tr>
<td></td>
<td>Lord Avebury</td>
<td>Linda Lewins (METAS Bucks), Kath Cresswell (Bolton TES), Brian Foster (ITMB), Lucy Becket (TLRP)</td>
</tr>
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<td></td>
<td>Dr Patrice Van Cleemput University of Sheffield</td>
<td>Debbie Harvey (Children’s Society Children’s Gypsy &amp; Traveller Children’s Project)</td>
</tr>
<tr>
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<td></td>
<td>Simon Ruston – new Traveller</td>
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<tr>
<td></td>
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<td>Rev. Roger Redding (The Church Action Network for Gypsies and Travellers)</td>
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<td></td>
<td></td>
<td>Father Jo Brown (The Catholic Irish Traveller Chaplaincy)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Cllr Frank Thomas &amp; Chris Borg (National Association of Local Councils)</td>
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<tr>
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<td></td>
<td>Dada Felja &amp; Professor T. Acton (Roma Support Group)</td>
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</tbody>
</table>
Written submissions were also received from the Department for Communities and Local Government (CLG), Gloria Buckley MBE and Sylvie Parkes (a former Traveller Education Teacher with special experience of working with Show families) and a number of health workers. In addition, a number of participants who gave oral evidence presented further written submissions.

This final Report represents a series of recommendations on the following themes:

- Site Delivery
- Empowerment and Localism
- Community Cohesion and Fairness
- Social Inclusion

The panel met for a two day period in Parliament on the 2\textsuperscript{nd} and 3\textsuperscript{rd} February 2011 and discussion centered on the four key themes outlined above. Although the Coalition Government did not attend the panel hearing it did respond to a series of written questions linked to the central themes and these responses are cited throughout the Report.

A preliminary discussion paper (January, 2011) sets out background information on key issues. To promote further debate and scrutiny of the Panel Review discussions, an interim version of the Report was widely circulated in March 2011. Both of these documents can be downloaded at the following website address:

[http://www.travellersaidtrust.org/panel-review/](http://www.travellersaidtrust.org/panel-review/)

This Report contains a number of recommendations and a summary of the main points raised by the Panel participants. The release of the Report has been timed to coincide with key stages of the Localism Bill, which is currently progressing through Parliament in the hope that the Report will have some impact on the debates and proceedings.
RECOMMENDATIONS

Site Delivery

The Government should:

1. Deliver a robust National Planning Framework for Gypsies and Travellers to spur site development

2. Retain the obligation for councils to undertake Gypsy Traveller Accommodation Assessments.

3. Devise Local and Regional Site provision targets to be timetabled to avoid delay in the delivery of sites with meaningful sanctions and interventions for those authorities that do not comply

4. Implement the Building and Social Housing Foundation’s (BSHF) suggestions to increase Gypsy and Traveller accommodation annually, by the Government requiring each local authority to publish its Gypsy and Traveller accommodation targets and completions. This information should be collated centrally and published by Communities and Local Government.

5. Establish an independent body to monitor and benchmark needs assessments and site delivery and, in the wake of the Localism Bill, monitor the fate of Gypsy and Traveller planning applications over the UK as a whole and provide guidance on assessment.

6. Ensure that the Communities and Local Government (CLG) Task Group continue to be invited to provide a biannual review of progress

7. Follow the recommendation by the Task Group, and continue to provide an annual update to Parliament on the progress achieved in site delivery

8. Establish a Gypsy and Traveller Unit in the CLG with sufficient resources and personnel to provide support and guidance to councils.
9. Ensure the Homes and Communities Agency Site Grant is comparable or greater than then sum set aside in previous years for this purpose

10. Promote greater levels of resources and guidance on the development of Community Land Trusts

11. Establish a sustainable and high quality network of transit sites and stopping places

12. Give serious consideration to the promotion of sub-regional planning with statutory powers and a clear statutory duty on local authorities to provide or facilitate sites.

13. Retain the imperative for Planning Inspectors to give ‘substantial weight’ to evidenced unmet need and lack of alternative accommodation in Planning Guidance and consider retaining the word ‘normally’ in the light touch guidance on consideration of site applications in Green Belts

14. Issue guidance to accompany the ‘duty to cooperate’ on how local authorities can work together to provide sites.

**Empowerment and Localism**

**The Government should:**

1. Prioritise capacity building for community groups and residents groups through the mechanism of medium and long term funding, in particular in Big Society funding and support schemes.

2. Encourage Planning Aid to continue to extend its work on Gypsies and Travellers in partnership with community groups.

3. Develop flexible consultation at a local level and resources for local forums to receive training on the Equality Act and race and diversity.
4. Develop a greater range of partnerships with service providers and community groups to strengthen cohesion and empowerment.

5. Ensure the police (specifically diversity officers) and Gypsy and Traveller Liaison Officers work to assist consultations ensuring that they are balanced and inclusive.

**Community Cohesion and Fairness**

**The Government should:**

1. Give careful consideration to the provision of guidance and regulations on referenda to ensure that ethnic minorities, and in particular Gypsies and Travellers, are not adversely affected by the presence of racist stereotyping and preconceptions which can drive public calls for a referendum on any particular issue.

2. Encourage political, media and faith group leadership to take the lead in setting a more tolerant and responsible level of debate on the issue of site provision and community relations.

3. Actively endorse and promote Gypsy Roma Traveler History Month and explore means to help the month continue to develop in terms of brokering resources and organisational support even if additional funds are not forthcoming.

4. Regard increased site provision as not only facilitating the social inclusion of Gypsies and Travellers but as the key driver which can reduce the need for enforcement action and ultimately improve community relations.
Social Inclusion

The Government should:

1. In partnership with local authorities as a matter of policy (and ring-fenced funding), ensure the preservation of the Traveller Education Service (TES) network. Through improved funding, guidance and OFSTED inspection procedures, it should be ensured that schools continue to work to raise the educational inclusion of Gypsies Roma and Travellers in partnership with TES.

2. Preserve the Education Maintenance Grant or provide a substitute grant for post-sixteen-year-olds which gives meaningful help to young people in limited financial circumstances.

3. Issue strong guidance to ensure that Gypsies, Roma and Travellers are identified as priority groups in education to be helped by the pupil premium.


5. Monitor the impact of health reforms and ensure that the Inclusion Health Agenda is disseminated widely and that the objectives are met at local level through the creation of local and regional leads who will work collaboratively to ensure that strategic planning and commissioning processes meet the needs of Gypsies, Roma and Travellers.

6. Ensure a continued emphasis on promoting and resourcing the application of good practice identified in Gypsy Roma and Traveller health care initiatives in the Pacesetters programme.
7. Issue specific guidance on the application of the Equality Act for Gypsies, Roma and Travellers which should be vigorously promoted by the Equality and Human Rights Commission (EHRC).

8. Ensure that the ‘Big Society’ programme acts to protect the existing number of Gypsy Roma Traveller community groups and ensure that good practice and experience in these groups is used to develop a wider network of third sector agencies working with these communities.

9. Ensure that the Department for Work and Pensions and Job Centres should classify Gypsies, Roma and Travellers as ethnic groups and not as disadvantaged groups.

10. Provide greater business support and assistance to Gypsy Roma Traveller entrepreneurialism and employment practices.

11. Ensure the new statutory Social Mobility and Child Poverty Commission conducts focused statistical and qualitative analysis of the impact of Coalition Government policy upon Gypsies, Roma and Travellers.
Before detailing Coalition Government policy, it is necessary to review the existing policy framework on Gypsy and Traveller accommodation which the Coalition Government will repeal.

In 2004, the Labour Government concluded that Department of the Environment (DoE) Circular 1/94 was not addressing the growing shortage of Gypsy and Traveller sites. The shortage of sites was deemed to have stemmed from the repeal of the 1968 Caravan Sites Act by the Criminal Justice and Public Order Act 1994. The 1968 Act had placed a duty on certain local authorities to provide sites and had in turn created a network of 350 local authority sites. In its place, DoE Circular 1/94 was introduced in which local authorities were encouraged, but not obliged, to assist Gypsies and Travellers to develop sites and endorsed the private provision of sites by Gypsies and Travellers themselves.

In 2003, the Labour Government initiated a policy review on Gypsy and Traveller site provision which culminated in the Office of the Deputy Prime Minister (ODPM) Circular 1/2006. This placed an obligation on local authorities to carry out a Gypsy Traveller Accommodation Needs Assessment which would identify the need for sites and feed into regional targets set by Regional Spatial Strategies (now known as Regional Strategies following the Local Democracy, Economic Development and Construction Act 2009). Where local authorities failed in their new responsibilities, the Secretary of State had powers of direction.

In the two years prior to the introduction of Circular 01/06, 68% of appeals relating to Gypsy and Traveller sites were dismissed. In the following two years, 65% of appeals were granted planning permission (CLG, 2009, 4). Despite some modest progress, it has been estimated that at the current rate of pitch provision it would take local authorities 18 years to meet the targets specified in relation to permanent pitch requirements set for a 5 year period (Brown and Niner, 2009).
Prior to the General Election of 2010, both the Conservatives and Liberal Democrats pledged, in their manifestos, to abolish Regional Strategies (RSs). The Conservatives issued their Green Paper entitled ‘Open Source Planning’ which committed the Conservatives, to:

- Create a new criminal offence of intentional trespass, as already in place in the Republic of Ireland
- Curtail the ability to apply for retrospective planning permission
- Scrap regional targets and replace guidance and circulars on this issue
- Give tougher 'stop notice' enforcement powers to local authorities with authorised sites, and support central funding for local authorities to build authorised sites.
- Replace the Human Rights Act (HRA) with a British Bill of Rights (Open Source Planning, 2010, 17).

Following the 2010 election and the emergence of a hung Parliament, the Conservatives and Liberal Democrats formed a Coalition Government. A joint plan of governmental policy and action was set out in the document ‘The Coalition: our programme for government’. Of relevance to the planning framework and Gypsies and Travellers the document states:

“The Government believes that it is time for a fundamental shift of power from Westminster to people. We will promote decentralisation and democratic engagement, and we will end the era of top-down government by giving new powers to local councils, communities, neighbourhoods and individuals” (Cabinet Office, 2010, 11).

The Coalition Plan includes a commitment to

“rapidly abolish Regional Spatial Strategies and return decision-making powers on housing and planning to local councils, including giving councils new powers to stop ‘garden grabbing’. In the longer term, we will radically
reform the planning system to give neighbourhoods far more ability to determine the shape of the places in which their inhabitants live, based on the principles set out in the Conservative Party publication Open Source Planning” (Cabinet Office, 2010, 11).

In July 2010, Eric Pickles, the Secretary of State for the CLG, announced that he was using his power under section 79(6) of the Local Democracy, Economic Development and Construction Act 2009 to revoke Regional Strategies in order “to put greater power in the hands of local people rather than regional bodies“, (Johnson and Willers, 2010).

However, this ruling was overturned by a court case involving Cala Homes. Cala Homes (a large housebuilder) had submitted a planning application to build 2000 residential properties on land they owned near Winchester. The South East Regional Strategy indicated that there was a need for 5,500 additional dwellings in the area that included the land owned by Cala Homes. However, Winchester City Council refused Cala Homes planning application on account of the fact that the Secretary of State intended to revoke Regional Strategies (Johnson and Willers, 2010).

According to the ruling of the judge in the case, Mr Justice Sales, the Secretary of State Eric Pickles had wrongly revoked regional planning powers through discretionary powers (Cala Homes v SSCLG, 2010). The CLG Chief Planner has since written to local planning authorities and Planning Inspectors to inform them the Government’s intention to abolish RSs should be taken to be a material consideration in planning decisions with regard to Gypsy/Traveller sites. (CLG, November 10th, 2010). This has led to a further judicial review challenge by Cala Homes. This second judicial review was dismissed by the High Court in February 2011, but Cala Homes have now appealed to the Court of Appeal and the hearing of this appeal takes place in the first week in May, 2011.

In December 2010 the Localism Bill was published. Of particular relevance to Gypsies and Travellers are proposals to:
abolish RS targets and hence regional targets for Gypsy and Traveller sites;
restrict and further penalise unauthorised developments;
introduce a New Homes Bonus;
create a ‘bottom up’ planning process where neighbourhoods have greater say in planning processes;
create Local Enterprise Partnerships;
promote the ‘Big Society’ and new powers, roles and ownership of assets for community groups;
a duty on local authorities to ‘cooperate’.

In April 2011, the CLG issued the draft policy statement which was entitled ‘Planning for traveller sites: Consultation’ and described as a ‘light touch’ guidance (CLG, 2011, 3, 2). The Coalition Government describes the aims of the policy as follows:

enable local planning authorities to make their own assessment of need for the purposes of planning;
enable local planning authorities to use their assessment of need to set their own targets for pitch/plot provision;
courage local planning authorities to plan for sites over a reasonable timescale;
protect the Green Belt from development;
ensure that local planning authorities, working collaboratively, develop fair and effective strategies to meet need through the identification of land for sites;
promote more private traveller site provision while recognising that there will always be those travellers who cannot provide their own sites;
• reduce the number of unauthorised developments and encampments and make enforcement more effective if local planning authorities have had regard to this policy;
• ensure that the development plan includes fair, realistic and inclusive policies
• increase the number of traveller sites, in appropriate locations with planning permission, to address under-provision and maintain an appropriate level of supply;
• reduce tensions between settled and traveller communities in planning decisions;
• enable provision of suitable accommodation from which travellers can access education, health, welfare and employment infrastructure. (CLG, 2011, 3.5).

The Panel Review Report seeks to provide insights into Coalition Government policies and determine the extent to which they will increase or diminish the social inclusion of Gypsy, Roma and Travellers communities and the likely impact those policies will have on relations with the wider community.
Site Delivery

One fifth of the caravan dwelling Gypsy and Traveller population do not have an authorised place to live, instead occupying unauthorised developments or encampments (Cemlyn et al, 2010). It has been estimated that only one square mile of land is needed to address the present shortfall of approximately 5000 pitches (EHRC, 2009).

Pervasive prejudice, inertia and a policy vacuum have been the chief contributors to a national shortage of sites. The European Court of Human Rights has stated that Article 8 of the European Convention (the right to respect for private and family life and home) enshrines within it an obligation to facilitate the Gypsy Roma Traveller way of life (Buckley v UK 1996, Chapman v UK 2001, Connors v UK 2004), stipulating that providing access to appropriate accommodation was part of this ruling. Given that the shortfall of sites has only been reduced by a fraction since these judgments were made, it can be argued that successive governments have failed to rectify this failure in any meaningful way.
How will the Government policy framework deliver more sites and therefore address the national shortage?

The Government View Presented to the Panel

The Government is committed to encouraging sustainable development and it remains very important that local authorities continue to plan for the future of their communities.

Government will strengthen the role of elected councils in planning for the provision of sites by abolishing Regional Strategies and the top-down pitch targets they contain. Local authorities will be fully responsible for determining the right level of site provision in their area. The Government will also withdraw Circular 01/2006 (Planning for Gypsy and Traveller Caravan Sites) and Circular 04/2007 (Planning for Travelling Showpeople) and replace them with a new short-light touch policy. Concern over the circulars and perceptions of unfairness have resulted in community tensions that have made settled communities less likely to want to accept development. The details of the Government's proposed new policy will be set out in a full public consultation, which will be published shortly. The Government's fair deal for travellers and the settled community will help to improve community relations. As a result it will be more likely that communities will accept the provision of sites where they are needed.

Instead of imposing top down regional targets on communities, the Government will offer councils real incentives through the New Homes Bonus so communities can see benefits from providing sites where they are needed. In addition, the Homes and Communities Agency will again offer grant funding to local authorities to assist them with the cost of public pitch provision.

The Coalition Government is committed to abolishing the regional strategies which had set regional targets for site provision with 'last resort' central powers of direction where councils failed to meet identified objectives (Clause 89 Localism Bill). Sir Brian Briscoe (Chair of the Communities and Local Government Task Group on this issue) stated in his submission to the Panel that in 2009 the Task Group had noted with satisfaction the slight reduction in unauthorised sites (21% as opposed to 26% of total sites in 2006). Although the Task Group felt the right policies were in place, it was believed that greater urgency and vigour was needed in the pace of site delivery.

Sir Brian welcomed the Government’s approach of returning greater power to local government noting this was something that went against a centralizing trend pursued by successive governments over the previous thirty years. Given the nature
and scale of the implied change, it could not be certain that local government would be able to rise to the challenge of meeting site requirements. Sir Brian noted that in the past and in many areas, councils had acted decisively on the issue and their actions had contributed to the network of 350 sites created by the Caravan Sites Act 1968.

A number of Panelists felt that site provision had come to a standstill. In some cases, members attributed this to the lack of detailed policy proposals whilst the new planning circular was being developed. However, a central point of consensus among the members was the reluctance of many councils to act on the issue of site provision. Steve Staines of the Traveller Law Reform Project (TLRP) reported that a survey of 34 councils (excluding London) indicated a pitch loss of 360 when compared to the targets that had previously been set by Regional Assemblies. Where councils were proceeding with some site development, it was overwhelmingly based on figures established by the Gypsy and Traveller Accommodation Needs Assessments (GTANA) which in many cases identified lower levels of need than that set by regional assemblies. In a survey of the East, South East and South West of England, the Irish Traveller Movement in Britain (ITMB) found a significant drop in planned site provision when compared to targets set under the previous spatial strategy.

The Regional Findings of the interim ITMB planning research (ITMB, 2011) found:

- in the East of England based on responses from 43 of the 47 Councils (over 90 per cent response rate) indicated that: 22 (49%) have local targets for additional pitches, 9 (21%) have reduced them compared with the RS figures, and 12 (28%) have no target at all and a further five (11%) identified the likelihood or risk of further reductions;
- overall the targets for the 43 councils have fallen by 36% from 1,123 in the RS to 724;
- the position is worse for targets for transit pitches and additional yards for travelling showpeople with only 12 local authorities having such targets in both cases;
• In the South East the RS was abandoned following the general election and only four of 19 Councils that were spoken to (21%) have local targets for additional residential pitches;
• ITMB found the picture in the South West was more mixed - parts of the region, including Dorset and Somerset, have continued to work jointly on the evidence and planning for additional provision and 20 of the 25 Councils spoken to (80%) have local targets for additional pitches, based either on the emerging RS or the evidence in Gypsy and Traveller Accommodation Assessments, however the 426 additional pitches planned by the 20 councils represents a 32% fall compared with the 700 pitches planned for those authorities in the emerging RS.

Further evidence of a reluctance by public bodies to tackle the under-provision of sites was presented to the Panel by Frieda Schicker of the London Gypsy Traveller Unit (LGTU). She noted that the London Mayor had revised London’s site targets as established in the London GTANA from approximately 800 to 200 pitches. Finally, the Mayor, despite readily accepting and seeking strategic powers related to wider accommodation issues, had decided that the Mayor’s office should not have a strategic remit on the issue of site provision and that matters should rest with individual boroughs. Helena Kiely of the LGTU was concerned that boroughs in London had done nothing to increase site provision since the duty to provide sites had been removed in 1994. In fact, provision in London had dropped as a number of councils sold off sites for regeneration projects.

Chris Johnson of the Community Law Partnership noted that the Department of the Environment Planning Circular 1/94 had allowed councils to set pitch numbers based on their own estimations and local knowledge but without any statutory obligation or form of intervention where they failed to do so. It was deemed that such a policy regime had dramatically failed, given that site provision nationally came to a virtual standstill, and was the key factor contributing to the present shortfall.
It is disappointing that the draft ‘light touch’ planning policy statement ‘Planning for traveller sites: Consultation CLG, 2011’ will again allow councils to set their own targets with no clear or uniform guidance on how assessment of need should be carried out and provides no direct and enforceable sanction for those councils that fail to develop a five year plan for the supply of site provision. Instead, the government proposes that if a council cannot demonstrate an up to date five year supply of deliverable sites, it should consider favourably applications for the grant of temporary planning permission (CLG, 2011, 3.19). This contrasts with the advice in Circular 1/2006 to the effect that ‘substantial weight’ should be given to unmet need when considering whether to grant a temporary permission. Richardson has noted in analysis of Gypsy and Traveller planning cases that “Inspectors commented on the urgent unmet need and gave substantial weight to this which in some cases was enough to outweigh harm to the Green Belt. Without this term “substantial weight”, and in combination with the removal of the word “normally”, from the Green Belt guidance it is evident that a number of cases which would have been given permission under Circular 1/06 – will not succeed in the future” (Richardson, 2011, 22).

As noted, an additional concern expressed by Mr Johnson is that the Coalition Government’s proposals could signal a return to the failures of Planning Circular 1/94 outlined above. Johnson has informed the Panel Review in a written note:

“Many campaigners and policy workers have suggested that one solution would be the return of some form of duty to provide sites, along the lines of the duty originally contained in the Caravan Sites Act 1968, a duty which ensured that the current total of about 350 local authority Gypsy/Traveller sites in England came into being. It has also been pointed out that such a duty would, in effect, be a form of ‘localism’ since it would be for local housing authorities to ensure that sites and pitches were provided. Moreover such a duty would actually reduce expenditure by local authorities because it would reduce or cut out
altogether the need for evictions of unauthorised encampments and enforcement action against unauthorised developments”.

The Communities and Local Government Select Committee has expressed similar sentiments arguing that Gypsy and Traveller sites are a contentious issue and “…without a statutory requirement for local authorities to provide sufficient sites, there is great concern that Gypsies and Travellers will not have adequate accommodation and that the new system of planning may discriminate against these communities” (CLG Select Committee, 2011, Point 57).

Parliamentary campaigners and participants of the Panel Review will be taking forward a number of amendments to the Localism Bill, one of which proposes a statutory duty on councils to provide and facilitate sites (Appendix 1). Within discussions amongst Panel Review participants there has recently been some debate as to whether a statutory duty on councils to provide and facilitate affordable housing (which would include Traveller sites) might be feasible, but this idea is only at an embryonic stage.

Cllr Richard Bennett (former chair of the Local Government Association working group on Gypsies and Travellers) felt that ‘localism’ was not what some people feared. In his evidence to the Panel he noted that:

“Turning to localism, I think the general public are going to find that localism isn’t everything they thought it was going to be. And I, in my own district, have already been saying to people localism is about making hard decisions. It’s about saying where you want development to take place in the future, and which areas do you want to be preserved in aspic. It’s not about saying we don’t want that here”.

Core Strategies would still need to be in place and a national planning framework would provide some direction and identification of objectives. Cllr Bennett noted that in some areas positive relations had been forged between councils and Gypsy
and Traveller communities and that it was possible for conflict as well as retrospective planning applications and unauthorised developments to be avoided. The notable example was Conservative controlled Fenland Council where, through good channels of communication and dialogue, Gypsies and Travellers were encouraged to approach the council before they submitted a planning application or moved onto land and applied for retrospective planning permission.

Trust was identified as a key factor in creating a state of affairs such as exists in Fenland. Panel members and witnesses indicated that mistrust frequently characterised relations overall between Gypsies and Travellers and councils. Roger Yarwood (a Chartered Town Planner, member of the Royal Town Planning Institute who has held senior positions in Local Government for over 40 years, was formerly Head of Planning Services at Derbyshire Dales District Council and who now works with Derbyshire Gypsy Liaison Group) noted that many councils sought to frustrate legitimate site developments through the unfair use of supplementary planning guidance, local criteria and highways regulations which often discriminated against Gypsies and Travellers. Yarwood informed the Panel

“Planning Authorities are already adept at framing policies that make the provision of Gypsy sites difficult. As I mentioned earlier, I have been involved in numerous consultations on Local Development Frameworks and I attend many enquiries to offer evidence. In that work, I am constantly trying to introduce some realism into planning policies to ensure that those policies will actually result in the delivery of Gypsy sites. It’s an uphill struggle and if it were not for the vigilance and overriding control of Planning Inspectors, and the necessity to comply with the guidance set out in ODPM Circular 01/2006, many local authorities would produce policy documents which would make Gypsy and Traveller site provision almost impossible. Both these safeguards are now under threat.”

It was argued that experiences such as these accounted for Gypsies and Travellers having little trust or confidence in councils and contributed to the occurrence of retrospective planning applications.
Tom McCready is a Romany Gypsy whose family has lived in Derbyshire for generations. Tom had grown tired of the constant movement of living on the side of the road and resolved for the sake of his children and their future education to develop a permanent site. In his first attempt Tom approached his local council but once a piece of land had been identified the local population expressed strong opposition to the development and the council’s support faltered and the application was not able to proceed. When Tom initiated a planning application for the second time he did so retrospectively after he had moved on the land, a decision prompted by his first experience of trying to develop a site.

Tom found that the council was initially strongly opposed to his application. He noted “...that attitude relaxed when the attitude of the local people relaxed. And at the end of the third temporary permission I went and applied again for a permanent permission and there was one person protesting who it turns out is a member of the BNP.... And a lot of people supported me, a lot of people said we’d like Mr McCready to stay. So now after 10 years, I got a permanent planning permission. I've got a lot of friends in the village, my children have received an education in the village, medical help, I'm paying the taxes, my children two of them are working now and paying the taxes. So it’s a success story. But at the cost of 10 years of mental anguish to my wife and I. If I had not been able to make a retrospective application, had the inspector not been able to say you have a duty towards this family, that wouldn’t have happened, and it would have been an entirely different story”
Such was the disillusionment with the planning system that the Gypsy Council favoured handing over responsibility for planning decisions to an autonomous body independent of councils, which would deal with this issue more objectively and decisively. Chris Johnson of the Community Law Partnership argued that there was some merit in dealing with the issue at a strategic level as was the case with infrastructure projects. Greater strategic prompts in the form (for example) of a statutory duty to provide sites could exist to spur site delivery. Rory Stewart MP was concerned that special mechanisms for site delivery that did not play a role in housing provision were perceived by the wider public to be unfair and that the best approach was possibly to argue that site provision met cultural and social rights as part of a rights agenda. However, Mr. Johnson asserted that special measures were required because of the high levels of prejudice that could at times be virulent and highly irrational which could thwart site development. Siobhan Spencer MBE of the National Federation of Gypsy Liaison Groups felt that where there was ‘positive action’ or special measures featured in delivery mechanisms for sites, it was in recognition that there was a serious inequality and the community needed ‘a leg up’ to address the acute shortfall following years of inaction. The barrister David Joyce also noted that it was difficult to draw parallels between site provision and housing as unlike with housing, there was no real market mechanism to deliver sites in the numbers required and at a competitive price which was comparable to the housing market. Hence the chances of securing a site were greatly restricted.

Lord Avebury felt that whatever delivery mechanism for sites is eventually reached, it would be useful if some form of central monitoring was undertaken of sites developed and site applications rejected across the planning system. It was noted that such databases were being kept by the National Federation of Gypsy Liaison Groups and Traveller Law Reform Project but proper funding and support was needed to continue this process. However, it has been noted that central monitoring of planning processes will be weakened by the Localism Bill. The ITMB has noted:

“Clause 91, 92 and 93 (Localism Bill) state that Local Planning Authorities (LPA’S) will no longer be required to submit their local development schemes to
the Secretary of State (91), that LPA’s will no longer have to implement inspectors’ recommendations (92) and that LPA’s will no longer be required to send their annual reports to the Secretary of State. There is a significant danger that without a degree of oversight from the Secretary of State and inspectors many local authorities will disregard the accommodation needs of Gypsies and Travellers” (ITMB Submission to the Public Bill Committee, February 2011).

The impact assessment for the ‘light touch’ draft planning policy statement ‘Planning for traveller sites: Consultation, CLG, 2011’ posed the question of whether sufficient monitoring is in place. Although the CLG responded in the affirmative, no indication has been given as to how this monitoring will take place (CLG, 2011, Annex B, 43). The following proposal could address that deficit. The Building and Social Housing Foundation (BSHF, 2010) has proposed that the Government require councils to publish their Gypsy and Traveller accommodation targets and completions, thus helping to promote transparency, ensure that the costs of undersupply are minimized and aid monitoring (CLG Select Committee, 2011, 24 point 55). In addition, the CLG Task Group could continue to be invited to provide a biannual review of progress and the Government could follow the recommendation of the Task Group and continue to provide an annual update to Parliament on the progress achieved on site delivery. Furthermore, some campaigners have called for the creation of a Gypsy Traveller Accommodation Commission, along the lines of the proposal within the Traveller Law Reform Bill, which could monitor and benchmark needs assessments and provide guidance on achieving ‘robust’ assessments and inclusive community engagement (Avebury et al, 2010). The Commission would be advised by a steering group containing Gypsy and Traveller representation, be autonomous of political control and could instill trust and confidence in the new planning framework.

In ‘Planning for traveller sites: Consultation, CLG, 2011’, the Government has argued that the conclusions of local assessments of need will be tested through the process of consultation and the public examination of local plans (CLG, 2011, 3.12). However, the formal nature of such forms of public scrutiny will not be an inclusive
environment for some Gypsies and Travellers to raise concerns, especially if lacking formal education and/or literacy. Also, Gypsy and Traveller groups may not be able to afford legal advice or to secure legal aid to gain a level of legal representation to match that available to local authorities at such hearings. Moreover, as will be noted further in this Report, cutbacks and a loss of revenue may mean that local and national Gypsy and Traveller groups do not have the capacity to contribute to such consultations.

Sub-regional Planning

The Government will abolish RSs, but there had been a hope by some campaigners that sub-regional planning might be introduced (Avebury et al, 2010). However, the lack of any definition of the role to be played by Local Enterprise Partnerships reduces this potential.

| Will Local Enterprise Partnerships form part of a sub-regional planning strategy with statutory powers? |
| The Government View Presented to the Panel |
| As the Government does not intend to define Local Enterprise Partnerships in legislation, it is more likely that any strategic planning function would initially be on an informal basis; this would allow partnerships to develop their planning role over time as their ambitions deepen and capacities become clearer. |

Steve Staines of the TLRP noted that RSs had played an important role in benchmarking GTANA and had provided more realistic estimates as to site need than those which resulted from underassessment or the altering of initial figures by some councils. The unpublished panel report which would have been made to the South East of England Regional Assembly (SEERA) could have recommended a pitch target which was approximately 1000 pitches greater than the figure compiled by individual GTANAs. Bill Forrester of the National Association of Gypsy Traveller Liaison Officers (NAGTO) also felt that the consultation process had been more ‘bottom up’ than ‘top down’ as a range of stakeholders had been involved in
consultations and councils had reached targets amongst themselves through discussion and negotiation. It was also noted that given the mobile nature of some sections of Gypsy and Traveller communities, a sub-regional strategic approach could make sense. Andrew Ryder (Panel Review researcher) commented that such strategies were supported with statutory powers and thus a greater degree of compulsion could be brought to bear as had been the case in the past where some councils refused to contribute to site provision. Ryder noted that past inaction had caused tensions between councils as some argued they were offering accommodation to Gypsies and Travellers from neighbouring authorities where no efforts had been made to conform to the 1968 Caravan Sites Act.

A number of witnesses therefore expressed a desire to see some type of sub-regional planning with the government’s proposed Local Enterprise Partnerships (LEPs), which are to have a planning remit, being the vehicle through which a sub-regional approach could be delivered. However, as Sir Brian Briscoe and the above statement of current government policy makes clear, the membership of LEPs will be elective and not uniform across the country. It is therefore unclear whether, and to what extent, they will have statutory powers. NAGTO commented in writing on a possible absence of sub-regional planning: “Our regret is that, unless some form of sub-regional working can be devised successfully, then it will be much more difficult to pursue redistribution of pitch numbers, even though these would not only lead to fairer distributions in future, but wider geographical availability of site accommodation”.

Lord Boswell contemplated whether peer pressure amongst councils could be the driving force in persuading reluctant councils to make a contribution to site provision. It was felt that one mechanism that could strengthen such coordination was the Government’s proposed ‘Duty to Cooperate’ amongst councils (Clause 90 of the Localism Bill). Clear guidance on this duty with regards to Gypsy and Traveller site provision would be useful. The draft ‘light touch’ guidance ‘Planning for traveller sites’ refers to the Duty to Cooperate but fails to give clear guidance as to how it could be implemented with regards to site provision.
Can the Government outline how the HCA sites grant and New Homes Bonus will be used to spur site development?

**The Government View Presented to the Panel**

The New Homes Bonus will reward local authorities that deliver public and private traveller sites. Councils will receive council tax match funding for six years. New local authority pitches will attract additional money in the same way as affordable housing. Rather than meeting targets, local authorities will instead have real incentives to provide traveller sites and communities will see the benefits of development.

Grant funding for new local authority funded sites will focus on new pitch provision and value for money. The grant will be administered by the Homes and Communities Agency which will make payment on delivery, so that local authorities will have an incentive to keep down costs. We will make an announcement on grant funding shortly.

The New Homes Bonus proposal failed to attract much confidence from a number of participants who indicated that it provided an insufficient incentive to spur site provision. Cllr Candy Sheridan of the Gypsy Council felt that such was the reluctance of many authorities to provide sites that the sum offered by the New Homes Bonus would not tip the balance.

The Panel was informed that the Homes and Communities Agency grant for site development would be resumed. The draft ‘light touch’ guidance ‘Planning for traveller sites’, notes that funding for local planning authorities to deliver new sites will also resume this year as part of the Government’s *National Affordable Housing*
Programme. For 2011-15, it has allocated £60m to fund the provision of Traveller sites (Planning for traveller sites: Consultation, CLG, 2011, 2.13). This sum compares as follows to previous grant allocations (Source Richardson, 2011, 23):

- 2006 – 08 £56m (over 2 year period - £28m per year)
- 2008 – 11 £97m (over 3 year period - £32m per year)
- 2011 – 15 £60m (over 4 year period - £15m per year)

The sum allotted is disappointing given the Coalition Government endorsed the Conservative's ‘Open Source’ planning document which had pledged greater spending in this area (Avebury et al, 2010). The impact assessment for the draft ‘light touch’ guidance ‘Planning for traveller sites’ indicates that there may be a slight decrease in authorised sites over a transitional period but this will be offset by new financial measures the Government is introducing (CLG, 2011, Annex B, 58, 61). Given the actual shortfall compared to the previous grant and lack of confidence in the New Homes Bonus, this assessment may need to be revised.

A Traveller Site manager, Gloria Buckley MBE, recommended to the Panel (in a written submission) that there should be greater opportunity for shared ownership sites, developed jointly between local authorities or housing associations and Gypsies and Travellers, with the Gypsy/Traveller eventually able to purchase the whole site.

Community Land Trusts

Community Land Trusts (CLTs) are locally-based not-for-profit organisations that own land and property in trust for the benefit of a defined community. A Community Land Trust is a legal entity, like a Company or a Co-operative, which holds assets, such as land, for a group of people. The Trust exists independently of its members and its assets cannot be sold on for profit but are held, in perpetuity, to preserve their use for a specific purpose (TAT Discussion Paper, 2011).
How will the Government support and develop Community Land Trusts and borrowing/mortgage and financial packages to enable families to secure credit to buy and develop sites?

The Government View Presented to the Panel

The Government wants to see more sites being developed privately and through innovative funding models like Community Land Trusts not least because they offer the potential for better value for money. The Homes and Communities Agency is working to support and develop these ideas where it can.

Local authorities are already developing innovative ideas of their own. South Somerset District Council, for example, has been exploring, in consultation with local travellers, ideas such as site acquisition funds; loans for private site provision through Community Development Financial Institutions and joint ventures with members of the Gypsy and Traveller community.

The Ministerial Working Group is looking at ways in which access to financial services and products for Gypsies and Travellers can be improved.

Abbie Kirkby of the Sussex Community Land Trust told the Panel how this newly formed body was trying to identify councils and land owners in Sussex interested in CLT developments. It was felt that CLTs provide a culturally appropriate model for site development given that many Gypsies and Travellers preferred to be accommodated with people from their existing social and kin networks. A CLT creates a mechanism for formalizing such networks and also provides a unit which could secure credit to develop sites and affordable accommodation. One stumbling block, according to Ms Kirkby, was the lack of support and guidance currently available on this issue.
However, the Sussex CLT has joined the Community Land Trust Network and it was hoped that this body and others (e.g. the Co-operative movement) could support CLT initiatives for Gypsies and Travellers. Tony Thomson has also taken an active interest in CLTs but felt at the moment a complex and legalistic situation had to be grappled with in the process of establishing CLTs which could present barriers for some Gypsies and Travellers. Ms Kirkby reported that this process would become easier once a number had been established which could provide models for good practice and feed into a CLT toolkit. It was noted that talks were at an advanced stage in Mendip about the establishment of a CLT. Cllr Candy Sheridan hoped that the CLT model might provide a means by which ownership and management of failing local authority sites could pass into the hands of the community and residents themselves.

Nomadism

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<th>Does the Government envisage changes in guidance for managing unauthorised encampments?</th>
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<td><strong>The Government View Presented to the Panel</strong></td>
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<td>The Government is concentrating on measures to help councils tackle the development of sites without planning permission and on supporting travellers who live on authorised sites. The number of caravans on unauthorised developments has gone up since 1997 and this is causing increasing community tensions. The number of caravans on unauthorised encampments (on land not owned by travellers) by contrast, has been going down.</td>
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Tony Thomson (a longstanding advocate of ‘greenlanes sites’) reported to the Panel “It is from within the context of the loss of traditional sites that the current crisis of accommodation can best be understood”. Mr Thomson noted that there had been a dramatic decrease in traditional stopping places as a result of development projects and ‘bunding’: closing and obstructing of access to traditional stopping places. This had pushed unauthorised encampments into locations that were not suitable for Gypsies and Travellers themselves and in addition had greatly curtailed nomadic traditions. Tony felt that community tensions around unauthorised encampments could be reduced and a revival in nomadic traditions and commons rights institutions
could arise if there was a sustained effort to restore access to traditional stopping places in a cost effective and socially integrated way. These views are elaborated on the following website: www.albionwayfarer.com

The Panel heard a number of distressing cases involving unauthorised encampments where residents, especially children, could be at great risk from traffic on roadside encampments and where access to services was non-existent or negligible. It was hoped that the Government would continue to promote existing guidance on unauthorised encampments which encouraged the ‘toleration’ of suitable locations where alternative provision did not exist and where residents had pressing welfare needs such as children requiring access to education or sick or pregnant site residents.

**Empowerment and Localism**

A key feature of the Localism Bill is to give local communities greater power as set out in proposals for neighbourhood planning, for example (Clause 96 Localism Bill). Many felt this was a laudable concept but one which in practice could hold significant dangers for vulnerable groups such as Gypsies and Travellers.

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<th>How will the Government ensure that localism and ‘bottom up’ planning and neighbourhood forums give Gypsy/Roma/Traveller groups fair treatment? How will Gypsy/Roma/Traveller groups be supported to input into planning processes?</th>
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<td><strong>The Government View Presented to the Panel</strong></td>
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<td>Localism and neighbourhood planning will provide people, including travellers, with the opportunity to get involved; to take control of shaping the places that they live in; and to make a real difference to the quality of their local area. Neighbourhood planning will allow people to take genuine responsibility for the places that they live in.</td>
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<td>Neighbourhood development plans will have to demonstrate an appropriate fit with national policy; be in general conformity with the strategic policies of the development plan for the local area and be compatible with human rights obligations.</td>
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A number of witnesses were deeply concerned that parish councils or neighbourhood forums will frustrate Traveller site developments as such bodies had
in the past often been the most vociferous in opposition to site provision. Sally Woodbury of the National Federation of Gypsy Liaison Groups felt more localism would equate to more site opposition. Roger Yarwood Planning consultant with the Derbyshire Gypsy Liaison Group informed the Panel “I must concede that I am not a fan of localism as applied to the planning control and planning policy. I am sure that most experienced planners would agree with me, that the decision making process can become very erratic if the decision making body is very local, as it often leads to decisions based on personalities and prejudices instead of the actual impact of the development”.

**The Gypsy Traveller Experience**

Joseph P Jones, a Romany Gypsy and chair of the Gypsy Council, informed the Panel that ‘localism’ for him and his family meant high levels of local opposition to his family’s site development. Over a period of ten years, local opposition had continued even after he had secured planning permission. One local community group and a single ‘interested party’ had had their legal challenges to the initial application and appeal against the successful grant of planning permission funded by donations and personal contributions from local people and businesses. This long and protracted battle had drained Joseph financially, caused serious health problems which resulted in a heart bypass operation, and created intense strains within the family. Joseph was deeply fearful of the implications of localism for Gypsies and Travellers as a result of this experience.

A more optimistic view came from Panel member Professor Thomas Acton OBE who believed that the engagement that localism would initiate would present an opportunity to sell the case for sites and win the argument within local communities. Acton was encouraged by the fact that in his hometown of Brentwood (Eric Pickles’ constituency), a local Gypsy Traveller support group had been successful in influencing local opinion to the extent that in two recent consultations, more respondents had supported the need for more sites than opposed it, despite council opposition. Despite this local support, the Conservative council still scrapped its list of sites recommended for regularisation (Brentwood Gazette, “Comment” 6th March 2011). This sheds doubts on whether the local Conservatives really want to respond to local opinion, or just want to get rid of the Travellers, regardless. Other witnesses
and Panel members also expressed concerns. Steve Staines of the TLRP noted that existing Gypsy and Traveller groups had struggled to input into the consultations involved in the previous regional strategies and would find it virtually impossible to feed into the much greater number of consultations that localism would spawn (326 planning authorities) - a problem which was compounded by the lack of support that Planning Aid provide to Gypsies and Travellers across the country.

The impact assessment for the draft ‘light touch’ guidance ‘Planning for traveller sites’ also acknowledges that under localism, Travellers may not be able to participate effectively in the local plan making process and notes there was “a risk that the, often, small community groups that represent travellers will have insufficient resource to participate effectively in relevant local plan consultations or Examinations in Public” (Planning for traveller sites: Consultation, CLG, 2011, 65 point 5). However, the impact assessment proceeds to note that an informal survey by CLG officials of local plan examinations that took place in November 2010 revealed:

“that in nine out of 12 cases, representations (either in writing or in person) had been made by traveller representatives. In addition, The Showmen’s Guild of Great Britain reported successful participation in all the Gypsy and Traveller Accommodation Needs Assessments and Gypsy and Traveller and New Traveller groups also participated in these. While, as seen above, a number of these were carried out jointly by local authorities, they show the ability of traveller groups to engage with authorities at a local level” (Planning for traveller sites: Consultation, CLG, 2011 65 point 5).

However, it should be acknowledged that written submissions may not hold the same impact as direct attendance by an informed expert and in some cases written submissions have been made by national organisations which have not had the resources to conduct more thorough research on the needs of local Travellers. It should also be noted that the capacity of all the Gypsy and Traveller organisations is under threat as a result of reduced funding opportunities.
ACPO (Association of Chief Police Officers) and NAGTO (National Association of Gypsy Traveller Liaison Officers) felt that the police and Gypsy Traveller Liaison Officers would have an important role to play in local consultations on site provision, helping to bring Gypsies and Travellers and representatives of neighbourhood planning forums or parish councils together in meaningful and balanced dialogue. However, NAGTO noted with some concern that, with local government cutbacks, the number of Gypsy Traveller Liaison Officers is likely to be reduced. Cllr Frank Thomas of the National Association of Local Councils (NALC) felt that such consultations may need to be flexible and culturally sensitive to the needs of Gypsies and Travellers. He noted that a consultation using standard approaches in his parish had failed to generate input from local Gypsies and Travellers, whereas a visit to the local Traveller site by local officials including senior officers such as the Chair of Planning would be more effective.

It was also noted that effective consultations could be costly and that sufficient resources would be required to ensure not only that there were proper consultations organised but that money was spent on developing local Gypsy and Traveller community groups. Chris Whitwell reported that Friends Families and Travellers (FFT) had been funded by CLG to involve Gypsies and Travellers in community forums. He noted, however, that in order to reduce incidents of racism and maximise the success of such involvement, cultural and diversity training was needed in such forums. The Panel was also informed by witnesses (including NALC) that parish councils and neighbourhood forums would need greater training in the relevance of the Equality Act but bodies able to support such a process, like Race Equality Councils and the Equality and Human Rights Commission, were also being downsized as a result of central Government spending reductions, which had implications for the community cohesion agenda. It was felt that one means to facilitate Gypsy and Traveller input into consultations and local decision making was by promoting residents’ groups on Traveller sites.
Residents Groups

The Government View Presented to the Panel

Travellers who play by the rules and live on authorised local authority sites will also gain improved protection against eviction when the Mobile Homes Act is applied to their sites. Those who live according to the terms of their agreement will have a stable home and the benefit of other rights and responsibilities already available to residents of other mobile home sites.

Gypsies and Travellers were promised additional rights as outlined in the government response above following the European Court of Human Rights (ECtHR) judgment on the Connors case in 2004. In 2007, the UK Government finally indicated its intention to honour its pledge to the ECtHR to address the discriminatory and unequal nature of tenancy rights for Gypsies and Travellers by announcing that it would address the issue by bringing local authority Gypsy and Traveller sites within the scope of the Mobile Homes Act 1983 in the Housing and Regeneration Bill (Johnson et al, 2010). This provision is finally being brought into force on April 30th 2011.

At present, only a handful of residents groups exist in the network of 320 local authority sites. Kath Cresswell, of Bolton Traveller Education Service, informed the Panel that it had taken five years and a great deal of time and resources to develop a residents group on a site. Kath referred to the necessity of building up trust over time with Gypsy and Traveller residents, in order to help groups to form and added that this would be difficult without trusted services like Traveller Education Services. It was felt that the establishment of such groups was essential to help create the foundations of a national network of groups that can input into local decision making processes as well as helping residents understand their new rights and responsibilities. In addition, it was reported that residents groups were needed to ensure effective representation at the envisaged Residential Property Tribunals that are mandated to deal with disputes or grievance hearings resulting from the Mobile Homes Act 1983. Residents will be unable to secure legal aid for legal
representations but councils will be able to call upon their own in-house legal teams (though the majority of possession actions will still be dealt with by the county court where legal aid will be available). Thus without effective tenant representation the balance of power will be skewed significantly against a tenant who is in dispute with the local authority.

**How does the Government envisage the Big Society, mutualism and social enterprise playing a role in developing Gypsy/Roma/Traveller community groups and increasing social inclusion?**

_The Government View Presented to the Panel_

Gypsy, Roma and Traveller groups may find that involvement with, or setting themselves up as, mutuals and social enterprises will help them to develop further and achieve their goals. However, this is not the only way in which community groups can develop and influence. Gypsies, Roma and Travellers often form just a small part of a local community and their views may have been overlooked in the past. However the Big Society offers an equal chance for everyone in society to take part in shaping their community and to be seen to be doing so.

Community tensions can often be based on irrational feelings of unfamiliarity and mistrust, but there is no reason for Gypsies, Roma and Travellers to stand back from the Big Society ethos of social participation and contribution, they are members of society like anyone else. By working alongside their neighbours on issues of common interest there is an opportunity for breaking down artificial barriers for the benefit of everyone.

We will look to community groups to tell us how we can provide the back-up to unblock obstacles and help them to achieve their goals. We are already working with Gypsy and Traveller community groups through the Ministerial Working Group to share ideas for community action to tackle the poor social, health and educational outcomes faced by Gypsies and Travellers. We will go on to look at ways in which these solutions can be shared.

Gloria Buckley stated in her submission to the Panel “I don’t know what ‘Big Society’ is. If, as has been suggested, it is local communities, neighbourhoods and families looking after each other, then Gypsies and Travellers have always been members of a Big Society; it has been the only one we could rely on”. However, despite this endorsement in a formally constituted and organised sense, the Gypsy and Traveller
community could be regarded as weak and lacking in the organisational social and cultural capital required to participate fully in the Big Society.

The Panel Review was informed that only twenty-one Gypsy and Traveller community associations are on the charities register and that large areas of the country have no type of existing grassroots organisation. This acute under-representation, coupled with the fact that there are only believed to be four Councillors of Gypsy and Traveller heritage nationwide, means that there are few champions of Gypsy and Traveller interests who can play an active part in the Big Society. Chris Whitwell of FFT felt that community groups were hindered in their development by the precarious funding situation which exists for charities at present. This is further compounded by short term funding which makes it difficult to nurture and develop staff teams. Funding from CLG and Capacity Builders will shortly come to an end for a number of community groups and there was a great deal of anxiety as to whether other funding would be available. This could stall new and exciting developments such as the large increase in staff from the Gypsy and Traveller community now working in community projects, a factor identified in a recent report on Travellers’ Economic Inclusion (Ryder and Greenfields, ITMB 2010). FFT also informed the Panel that effective partnerships had been forged between the community groups that do exist and a range of service providers to produce culturally sensitive and targeted services to Gypsy and Traveller clients which also empowered and provided invaluable work experience for community members. Simon Rushton, a new Traveller and researcher, noted that there was often a clash of cultures between bureaucrats and
Gypsies and Travellers but that Gypsy Roma Traveller community groups could play an important role in bridging that divide.

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<th>What Government consultation and dialogue has taken place and will take place with Gypsy/Roma/Traveller communities?</th>
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<td>Andrew Stunell MP (Under Secretary of State Communities and Local Government) visited South Somerset District Council in January to view some of the traveller sites provided by the local authority, to learn about some of their innovative site provision models and to meet some of the travellers living on both public and private sites in the district.</td>
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<td>Gypsy and Traveller representative groups are consulted regularly on matters both formally and informally; for example, with officials from a number of Government Departments in respect of the Ministerial Working Group on Gypsy and Traveller Inequality. Officials leading on changes to planning policy for traveller sites have been holding a series of meetings with groups representing traveller communities as part of an informal consultation process ahead of the formal Consultation on the withdrawal and replacement of Circular 01/2006 and Circular 04/2007.</td>
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<td>Regular informal discussions take place on policy developments which are likely to affect these communities. Officials from DCLG have attended a number of conferences and events run by representative groups, to discuss issues relating to the Big Society and civic participation.</td>
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It is to be welcomed that the Government is to maintain a number of long running or more recently formed forums that have involved Gypsy and Traveller activists over the years. One commentator noted that the test of how effective this dialogue was would be the degree to which the Government took on board criticisms and concerns from Gypsies and Travellers about the Localism Bill and repeal of Circular 1/2006.

**Community Cohesion and Fairness**

The issue of Traveller site development and provision has been one which in the past has severely tested community relations. Strong perceptions of unfairness on the part of Gypsies and Travellers and the wider community were contributing to intense polarisation and discord.
Enforcement

The National Association of Gypsy Traveller Officers commented that members of the public often perceived the system as being unfair when after the planning process had failed, Gypsies and Travellers failed to vacate land. A common charge from protestors amongst the settled community is that housed (non Gypsy Traveller) people could not develop a home in the way that Gypsies and Travellers appear to do with impunity and that if they sought a retrospective planning application in the same way, they would fail. Simultaneously, Gypsies and Travellers often report that the system discriminates against them through a vacuum in effective delivery mechanisms but also perceived manipulation of planning rules by unsympathetic councils as outlined by Joseph P Jones of the Gypsy Council. Mr Jones noted that a perception sometimes prompting local opposition was the belief that a Traveller site would lead to greater levels of anti social behaviour. Yet it was the nature of local opposition to site development that constituted anti social behaviour. A number of witnesses informed the Panel of the highly discriminatory written and oral comments that were made about Gypsies and Travellers in planning consultations and public meetings.

The Gypsy Traveller Experience

Joanna and David Price live on an unauthorised development which is a single family plot, they could see no other way in which they could get a site for themselves. At first there was huge opposition to the site and dealing with the planning system was extremely difficult and stressful as both of them could read and write but had little formal education. Joanna informed the Panel:

“..there was a lot of people who I think was afraid of us. But now they’ve got to know us a bit we’ve got a lot of friends in the village. I have 44 letters of support, people have been coming down from the village knocking on the door asking us if we want them to come and speak for us, and I’ve got 123 signatures saying that they support us. All that the Romany people want is to be signed onto a doctor, to have education for the children, with a lot of us our age group we just want a little bit of help for the future, that’s all we’re asking for. I know that the government is making a lot of cuts and I do understand that. But if the council passed the land there’s a lot of Romany Gypsies, who’d pay to develop it themselves and
then it wouldn't cost the government anything"

However, the council still opposed the application and it failed in the planning process. The stress and anxiety of the case had placed a huge strain on the family. Joseph P Jones said that the discrimination of the settled community had, as a young man, filled him with anger and turned him against the wider community leading to juvenile delinquency. Joe reported that all his life he had heard the argument “You can't build a site here! This is not the right place!” but no one ever said where the right place was.

Hence, the present state of affairs is one that has engendered community discord and division. The Government has argued that it will seek to create greater fairness in the planning system by increasing enforcement against unauthorised developments. It is understood that the government is concerned about delays in respect of the enforcement of planning control and that it seeks to ensure that those seeking retrospective planning permission for unauthorised development do not have the opportunity to delay enforcement by running concurrent or consecutive planning and enforcement notice appeals. However, legal experts Chris Johnson and Marc Willers have noted that the Government amendments need to be revised, as in their present form they will have unintended and unfairly negative consequences. In a summary note, Johnson and Willers set out their argument (see appendix 2).

Concerns were also expressed about the fact that more enforcement was being introduced against Gypsies and Travellers whilst equal enforcement did not exist for councils that failed to fulfill their requirements. It was noted that one lever on councils was that where they failed to meet assessed need, it could be a material consideration in the planning process. However, Mr Willers felt that a danger existed that progress in site delivery would only be made through legal action (which would in itself take its toll on Gypsies and Travellers given the cost and emotional strain of litigation) when a simpler and fairer mechanism would be to adopt a clear and centrally mandated obligation to deliver sites which might minimise such legal action. Gloria Buckley reported that she believed that if the Planning Inspectorate becomes aware of a trend or has concerns that reasons for refusal in planning applications
are consistently unsound, then the Minister should have powers to require the Planning Authority to submit an improvement plan to the Planning Inspectorate.

As noted by a number of respondents to the Panel, unauthorised encampments and their location, the management of such sites and community responses, have been factors that have strained community relations. The ACPO written submission to the Panel noted that a new criminal offence of 'intentional trespass' had been raised in the Conservative Green Paper "Open Source Planning". The current ACPO view is that no new criminal trespass offence is required and it is hoped that the Coalition Government maintains what appears to be its current position in agreeing with that view (Point 18 of ACPO evidence). ACPO notes:

"Current legislation affords the police (and local authorities) a range of powers, the use of which is discretionary subject to the range of factors already explained in this document. If trespass were a criminal offence the police would be obliged to investigate the commission of a potential crime and move on people resident at encampments. It is also likely that landowners would seek eviction at the earliest opportunity. In every case the trespassers would have no incentive to leave peacefully and may resort to forming large groups to prevent evictions by a show or - worse still - a use of force" (Point 20 of ACPO evidence).

In terms of enforcement, a major cause of concern over the years, in terms of community relations and welfare has been the use of direct action against unauthorised developments which on several occasions has witnessed large scale evictions. Councillor Candy Sheridan informed the Panel that she hoped that a large scale eviction against 90 families at the Dale Farm Traveller site can be avoided as she hoped approval would be given to planning applications on land which the Homes and Communities Agency owned and had suggested was suitable for site development. This would save the huge expense of a forced eviction and enable families to move from Dale Farm to new sites. Sheridan noted however, that the council had indicated that its preference was for the families to move to sites outside
of the district so she could not be sure that the proposal would receive their full support despite the strong economic and humanitarian arguments that could be made for relocating families to alternative sites.

The Panel Review has been forwarded a letter from Sue Berelowitz, Deputy Children’s Commissioner to the Chief Executive of Basildon Council (dated 10th March, 2011) in which the Deputy Commissioner raises concern about a report being considered by the council on eviction, which other than a reference (page 12) to Essex County Council having responsibility for vulnerable children, contains no plan for ensuring that the health, welfare, education, housing and other needs of the children involved will be protected (Letter to Bala Mahendran Chief Executive Basildon Borough Council, 10 March 2011). Despite humanitarian and financial concerns being expressed about an eviction at Dale Farm, the Government has pledged 1.2 million pounds towards policing costs for the eviction (BBC News, 13th April, 2011).

Referenda

Gypsies and Travellers, NAGTO and NALC amongst others expressed concerns about the way in which referenda in the Localism Bill (Localism Bill Clauses 39 – 52) may impact on community relations. There was a fear that referenda could be initiated to express local opposition to policies to deliver sites or a particular development. Gloria Buckley informed the Panel:

“In my experience a proposal for a Gypsy Site or an affordable housing scheme frequently heralds the appearance of a local “action” group formed with a worthy cause such as “to protect the local environment”. Such groups often without constitution or accountability employ a range of attrition tactics to prevent the proposal. The member of one such group is reported to have said in respect of the proposed referenda ‘We will be able to vote not to have them in the village’ ”.
Sally Woodburry, a member of the Gypsy community and campaigner for Gypsy and Traveller rights, felt that local community peer pressure would make people sign petitions and support calls for a referenda and be too frightened to express opposition to such referenda.

Dr Jo Richardson informed the Panel that the impact assessments that Communities and Local Government has undertaken on referenda indicated that there is no impact on the equality duty or on human rights. There does not appear to have been any investigation of the non monetary costs to society (including Gypsies and Travellers) of having these referenda. Whilst there will be a duty for local authorities to examine whether requests for referenda are 'vexatious', CLG do not appear to have anticipated the risk that particular minority groups (not just Gypsies and Travellers but Muslim and other visible faith groups) could suffer discrimination under this proposed new way of 'doing democracy' if objections were raised to a mosque or faith school. However, Marc Willers is of the opinion that referenda, if used to block Gypsy site development, will be at odds with equality duties and judgments by the European Court for Human Rights.

A number of participants contemplated whether Gypsies and Travellers and other minority issues could be exempt from referenda and it was felt that if this was not the case, then careful guidance and regulations would be needed to protect vulnerable groups. On the wider issue of community relations, the Reverend Roger Redding (Chaplain on Gypsies and Travellers for the Diocese of
Salisbury) noted that a Church Action Network for Gypsies and Travellers exists which is inter-denominational and includes church and faith leaders working with Gypsies and Travellers. In the past, many of the network’s members had played an active role in conflict resolution and felt that with referenda and localism the demands made upon faith groups to ensure balanced and fair community debates on site provision would be great. Reverend Redding noted that within the Church of England, there were only two chaplains who have a specific Gypsy and Traveller remit like he had. Father Joe Browne (the Irish Travellers’ Catholic Chaplain and also an active member of the network) shared these sentiments and felt giving greater power and say to local people was laudable, but that if you empower bigots and racists then discord will prevail. Father Browne and Reverend Redding both felt that church groups across denominations and their leadership at the highest level, needed to do their utmost to influence public opinion on this issue, raising the tone of the debate and making explicit reference to the problems these communities experience.

**Size and Numbers**

In the past, the size and location of sites have been important factors that have impacted on debates about community relations. Professor Acton OBE noted that messages coming from the CLG have indicated a preference for small pitch size sites and was concerned that some form of cap may appear on site size which would not be applied to other communities. Assistant Chief Constable Janette McCormick of Cheshire Police felt there was an issue of balance as one would not want to see size and location being factors that led to the ghettoisation and isolation of the community. On the other hand, it was useful for sites in terms of size to preserve the support systems contained within their traditional social networks. Lord Avebury noted that large concentrations of Gypsies on housing estates had been found in Kent in the 1950s and 60s and this had been relatively successful in preserving social networks as well as facilitating interaction with the wider community. Frieda Schicker of the LGTU amplified this point by noting that there
were cases in London where residents on sites and in housing who lived in close proximity had developed good relationships and together formed identifiable communities who formed friendships, socialised and shared services.

Another point of contention in the past has been the issue of assessing need and this being translated into pitch targets with both the Gypsy and Traveller and wider communities contesting the accuracy of numbers identified and the methodology used. As noted already in a contribution by Steve Staines (TLRP), the figures identified for site needs as well as the quality of the assessment were variable between different councils in regions and that without the benchmarking and revaluation by regional assemblies, then the number of pitches identified as being needed will be less than those which were eventually fixed by regional assemblies. Andrew Ryder raised the point of whether more detailed guidance and monitoring of GTANAs was needed to ensure greater uniformity. A similar request has been made by Shelter for housing assessments.

Public Awareness and Understanding

In a written submission ACPO noted “The perception of Gypsies and Travellers and their behaviour by the settled community is often based on stereotypical assumptions - not helped by either national or local media - and is often negative in tone”. Stereotypical and racist perceptions of Gypsies and Travellers and a failure of local politicians to ‘sell’ the argument for sites and the benefits of adequate provision to ‘settled’ as well as Gypsy and Traveller populations, were identified by a number of witnesses as factors which impeded site development and initiated community tensions.

Councillor Richard Bennett reported that he and a number of other councillors, as well as Gypsy and Traveller activists such as Sally Woodbury, were part of a ‘roadshow’ which visited councils to raise awareness on this issue and identify the benefits of producing more sites. He felt more initiatives like this would help the situation. Dr Jo Richardson also raised the importance of encouraging national political and community leaders to raise the profile of this issue in a positive sense
which set out the economic, political and moral need for more sites. The draft 'light touch' guidance ‘Planning for traveller sites’ sets out the Government’s plans to support a training programme by the Local Government Improvement and Development Agency with a budgeted of £50,000. The course will train and raise awareness amongst councillors of their leadership role in relation to Traveller site provision and planning applications for sites, and includes advice on dealing with the controversy that can sometimes accompany site planning applications (Planning for traveller sites: Consultation, CLG, 2011, 2.21). FFT have expressed doubts whether this sum over the duration of the Parliament, will be sufficient to address the challenges that lay ahead.

A number of witnesses noted the need for a more proactive campaign to educate the wider public on this issue. Cllr Bennett stated:

“We equally know that where the sites are not properly provided and therefore the Gypsies and Travellers have nowhere legal to live, this has produced enmity between the settled community who object to the unauthorized encampments. And I think we’re still struggling to get across to people this basic truth. That all the time you have 4000 families with nowhere to live,
you’ll have unauthorised encampments and developments. As night follows day, that will happen. And if we can get the settled community to understand that, and begin to understand the other life chance outcomes which develop intrinsically from that and then present them with the rational case of why we’re seeking properly to accommodate every section of society. I think we will begin to break down some of the barriers”

A number of witnesses commentated that after a site was established this was invariably followed by intense local opposition before a slow process of interaction occurred with the wider community in which friendships and understanding was nurtured. Tom McCready noted

“It’s like throwing a pebble into the pond situation. From my little site, the ripples go out because the people living in my village obviously have friends and relations that live further afield and I know that they talk, people talk and they say well actually we’ve got a Gypsy living in our village, he doesn’t eat the children, he hasn’t got two heads. And that’s a great help for that to happen, to have interaction. They gain a little bit of understanding....the Derbyshire Gypsy Liaison Group (DGLG) produces a calendar every year and I distribute it to my friends in the village and they become interested and a couple of them have attended events and that sort of thing – one of them was a councillor – that sort of thing has an enormous effect, its invaluable. Just a little bit of a good press rather than all this tidal wave of bad press”.

One initiative that was identified by several participants as holding the potential to change stereotypical and negative views on Gypsies, Roma and Travellers was the national Gypsy Roma Traveller History Month initiative.

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<th>What support will the Government give to Gypsy Roma Traveller History Month?</th>
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<td><strong>The Government View Presented to the Panel</strong></td>
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<td>Since June 2008, the Department for Education has provided a total of £356,000 to the National Association of Traveller Teachers and other professionals to manage and co-ordinate GRT History Month projects and events within schools and local communities. This</td>
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funding was provided to NATT+ and the Travelling communities on the understanding that it would help them to establish regional community networks and build their capacity to self-fund, or to identify alternative funding streams for the initiative in future years.

Whilst the Department has no plans to provide further funding for the GRT History Month, schools and Local Authorities can continue to take an active part in GRTHM events if they wish to do so, in the same way as they take part in Black History Month, which has never received funding from central Government.

Representatives from the Advisory Committee for the Education of Romanies and other Travellers (ACERT) and National Association of Teachers of Travellers (NATT) stated that they were unclear as to whether the Coalition Government would even actively endorse and promote the month, regardless of the question of additional funding. It was noted that the Government has argued that Black History Month has not received central government funding. However, local authorities - in particular those with diverse communities - have been generous supporters of that initiative, support which is potentially less likely to be forthcoming for GRTHM given the heightened community stresses between these groups resulting from planning disputes and an associated weaker political and numerical influence within local authorities.

More Sites and Fairness

In a written submission to the Panel, ACPO declared

“The key issue in respect of unauthorised Gypsy & Traveller encampments is the lack of accommodation for the Travelling community. The shortage of suitable sites for Gypsy and Traveller families to live on and access as they move around the country leads to groups setting up unauthorised encampments (and increasingly unauthorised developments), thus creating the biggest single source of conflict between the Travelling and settled communities”.

Thus the provision of sites that address the acute national shortfall (while ensuring that locations are appropriate and that sites are co-designed by residents to standards that facilitate inclusion and contact with the wider community) are central
factors in improving community relations. Councillor Frank Thomas of NALC felt that the perception of many councillors will be that if they identify land and put policies in place to provide and facilitate sites, then they will expect Gypsies and Travellers to work within set frameworks. Whilst these sentiments are completely reasonable, a significant challenge also exists for the Government to create a fair and balanced system that ensures that an effective delivery mechanism is in place to deliver the required sites and overcome potential obstacles, in particular those shaped by prejudice. An unbalanced system which is not explained to all parties and to which it is impossible to create broad ‘buy in’, will flounder and the problems outlined above will continue, to the detriment of all communities. It was also noted in Panel discussions that some national politicians did raise the issue of fairness in a way which either gives the impression Gypsies and Travellers are flouting such notions or should receive rights only if they ‘play by the rules’. The Panel felt that such rhetoric was based on a superficial understanding of the issues and played upon prejudice and negative stereotypes. To create the required awareness and understanding, a large scale programme of training and promotion may be needed to accompany policies to deliver the sites that are needed.

The Secretary of State, Eric Pickles, has alluded to perceptions of ‘unfairness’ by the general public concerning the outcomes of planning cases by Gypsies and Travellers. A CLG press release (13th April, 2011) said: “... the old planning rules created a perception of special treatment for some groups, undermining the notion of fair play in the planning system and further harming community cohesion.” However, research by Panel Review member Dr Jo Richardson into planning appeals before and after the introduction of Circular 1/2006 has noted the percentage of cases allowed prior to Circular 1/2006, was 40% rising to a peak of 70% during the
established phase of implementation of Circular 1/06) but that there has been a reduction in the number of appeals allowed since the Secretary of State’s announcement on the replacement of the Circular and the revocation of RSs (Richardson, 2011, 8). Richardson notes that there was a perception prior to Circular 1/06 that Gypsies and Travellers were disadvantaged in the planning system and that, proportionately, more applications for Traveller sites were refused than there were refusals for bricks and mortar planning applications in the wider community. There was a hope that Circular 1/06 would redress the balance and give a more even footing to applications for sites (Richardson, 2011, 8 see also Appendix 3). In this sense, Circular 1/06 can be seen as a tool which leveled inequality in the planning system rather than one that created ‘unfairness’. It is of concern though, that the new planning statement is being driven by what are, in fact, unfounded perceptions of unfairness. Previous research has demonstrated that clear and informed public perceptions together with firm and fair leadership and reporting are key factors in ensuring support for site delivery (Richardson, 2006; 2007)

The need for commitments and obligations on both sides may be reflected in NAGTO’s proposal to the Panel that local agreements are established between local authorities and Gypsies and Travellers where they agree that they will not move onto land without planning consent, at the same time as the local authorities allocate locations where planning consent would be granted.

**Social Inclusion**

Gypsies, Roma and Travellers remain some of the most excluded groups in society (Cemlyn et. al., 2009). It was therefore felt that the Panel should seek to obtain insights into the impact of Coalition Government policies on the life chances of these minority populations.

Brian Foster of the Inner London Traveller Education Consortium and a Trustee of the ITMB, presented a series of statistics collected by the National Foundation for Educational Research (NFER) for a longitudinal analysis of Gypsy Roma Traveller
children’s education. The results were presented to the Department for Education in a 2009 report “Improving the Outcomes of Gypsy, Roma and Traveller pupils”. The findings graphically illustrated the profound levels of educational exclusion suffered by this group. Based on research undertaken for the NFER, Mr Foster reported that Gypsy Roma Traveller children made reasonable progress in Key Stages 1 and 2 but tended to be located in low achieving schools. Fifty percent of GRT children were eligible for free school meals and high levels of special educational needs were found amongst the population. Travellers of Irish Heritage and Gypsy and Roma pupils are nearly three times more likely than White British pupils to be identified as having special educational needs. Less than 10 percent of Gypsy, Roma, Traveller pupils were among the top 50 percent of achievers at Key Stage 4. Earlier Department for Children Schools and Families (DCSF) research had also demonstrated that Gypsies/Roma and Irish Travellers had the highest exclusion and absence rates of any other minority in school, and the NFER research reported that many children stated that they felt unwelcome in schools. The NFER research calculated that the level of secondary school ‘drop out’ figures for this minority are exceptionally high with just over half of the Year 6 cohort that were tracked throughout their educational history also appearing in the Year 11 cohort. The research also demonstrated that:

- 20% dropped out between Y6 and Y7, at transfer between Primary and Secondary phases
- Only 37% were present in all 6 annual censuses between 2004 and 2009
- Irish Travellers were most likely to drop out, Roma were least likely
- Gypsy and Irish Traveller boys were more likely to drop out than girls, Roma girls more likely than boys

In a written submission to the Panel, Foster noted with regards to the NFER research:

“In the past we would have expected the Department for Education (DfE) to work in partnership with Traveller Education Support Services to make sure
that the messages of the research were disseminated to school and local authorities. Unfortunately, the final report is only available online and no press release was issued. The drop out through the secondary phase should be a national concern, but would appear to have been successfully buried”

Matthew Brindley, of the ITMB, reported that 55% of the Gypsies and Travellers interviewed for the Traveller Economic Inclusion Project had experienced bullying in school.

**How will the Government support educational inclusion?**

*The Government View Presented to the Panel*

The Government believes that for us to thrive - as an economy and a society - every child must have the chance to reach their full potential, regardless of gender, disability, ethnicity or social class. Every one of our policies is driven by this guiding moral purpose.

At present, Gypsy, Roma and Traveller (GRT) pupils are amongst the lowest-achieving pupils at every Key Stage of education, although individual GRT pupils can and do achieve very well. Attainment gaps are a complex issue and the underperformance of specific ethnic groups may be due to a combination of factors, including financial deprivation, low levels of parental literacy and aspiration for their children's academic achievement, attendance and bullying.

We know that there is a particularly strong link between deprivation and underachievement and in primary schools, 43.2% of all registered GRT pupils are currently eligible for Free School Meals; this figure rises to 45.3% in secondary schools and 57.5% in Special Schools. Those GRT pupils who are eligible for Free School Meals will benefit directly from the new pupil premium, which will provide an additional £430 per pupil from April 2011 to help raise their attainment. They will also qualify for additional support through the £110m Education Endowment Fund, which will fund bold and innovative approaches to raising the attainment of disadvantaged children in underperforming schools.

In the future, we intend to ensure that expectations are the same for all pupils and we are developing an accountability framework in which attainment gaps are rapidly reduced and schools are held accountable for the progress and success of all their pupils. In particular, we are refocusing school inspection around the core areas of achievement, teaching, leadership and behaviour/safety. Within this more streamlined approach, will be a requirement for OFSTED to consider the extent to which the education provided at the school meets the needs of all its pupils. This means considering the data on all groups and individuals (including in relation to attainment, progression, behaviour and attendance), with a particular emphasis on the most vulnerable and disadvantaged groups.
With regard to targeted support for GRT pupils, the Gypsy, Roma and Traveller Achievement Programme, funded by the Department for Education, is running in 48 Local Authorities until the end of March 2011. The programme has enabled us to capture important evidence about how to address issues of underperformance, ascription and attendance among GRT pupils that can be shared with schools via our website.

The Government has also agreed that the GRT Education Stakeholder Group – established by the previous administration – should continue to meet. Comprised of representatives from all three communities, and chaired by Lord Avebury, the meetings provide a forum where government policy can be explained and DfE officials can listen first hand to the concerns of the community representatives.

Brian Foster, together with Linda Lewins of the Advisory Council For the Education of Romany and Other Travellers (ACERT), Kath Creswell of the National Association of Teachers of Travellers + Other Professionals (NATT) and Lucy Beckett of the Traveller Law Reform Project (TLRP) (all of whom are current or former senior Traveller Education staff with significant levels of experience) expressed concern that the ‘Pupil Premium’ would be insufficient to appropriately support Gypsy Roma Traveller pupils, particularly in the light of the dramatic decline in Traveller Education Services (TES). They identified that there was insufficient guidance to schools to encourage them to apply the ‘Pupil Premium’ most effectively to Gypsy Roma Traveller pupils. Concern was also expressed that the national strategies initiative referred to in the CLG response was coming to an end, which would lead to a loss of funding for a range of special initiatives to support these children. In addition, the loss of ‘Target Setting’, which tried to get local authorities to focus on groups of disadvantaged children like Gypsies Roma and Travellers, had also gone. Mr Foster concluded “It is unlikely that the localism agenda, the Big
Sylvie Parkes, writing on behalf of travelling showpeople, informed the Panel:

“In 2003, the ‘E-Learning and Mobility Project’ (ELAMP) was launched, funded by the DfES and co-ordinated by NATT+. This was focused on the use of ICT to provide enhanced independent and distance learning support for, primarily, children from the fairgrounds. The main focus of the various developments was the challenge of interrupted learning. The funding for this has now ceased”.

Initiatives such as E-Lamp, which had originally supplied laptops to a broad range of low income and nomadic Gypsy and Traveller children to facilitate home and distance learning, were now being restricted to those who had acute special educational needs and who were in receipt of 'statements’ which effectively excluded many nomadic children from this provision.

It was also noted that the Educational Maintenance Allowance (EMA) had been a major inducement for Gypsy Roma and Traveller young people to stay on in education beyond the age of sixteen and that the loss of EMA would offset improvements in further education participation for these groups. The Government is investing in a new 16-19 Bursary Fund to help meet the costs of travel, food and equipment for poorer students. It is also providing discretionary funds that schools and colleges can use in ways that best fit the circumstances and needs of their students (HM Government, 2011, 4, 30). It remains to be seen whether this support will be as effective, or more so, than the EMA.

The Roma Support Group (RSG) noted that the Coalition Government’s ‘The Importance of Teaching’ White Paper fails to mention “race” or “equality” and that the needs of some minority groups, such as GRT children, still need to be
adequately addressed within the education system. A Race on the Agenda (ROTA, 2011) briefing which was brought to the attention of the panel also noted:

“…we are deeply concerned with the lack of emphasis in the White Paper on race equality and the duties schools should adhere to in relation to the Equality Act 2010. We believe that longstanding disproportionate outcomes in education for some BAME groups will be compounded. Therefore, race equality is an exceptional area where central government should continue to play a strong leadership role, given the acute inequalities that persist”.

Mr. Foster did note that the White Paper stated that schools should be “champions for vulnerable pupils” but there was a need to put more ‘flesh on the bones’ as to how this was applied to Gypsies, Roma and Travellers.

What role will Traveller Education Services play?

The Government View Presented to the Panel

The role of Traveller Education and wider Ethnic Minority Achievement Services will be a matter for Local Authorities and schools to decide. There has never been a statutory requirement for Local Authorities to provide a dedicated Traveller Education Service and, over the course of the last few years, as more and more schools have successfully taken on their own outreach work within these communities; there has been a reduced need for LAs to provide specialised support services.

The Department for Education has provided £208m of Ethnic Minority Achievement Grant funding this year to help schools improve the performance of pupils from underperforming ethnic minority groups, including the Gypsy, Roma and Traveller communities. Schools can choose to use this funding themselves or, if schools forums agree, Local Authorities may retain a part or all of this funding to provide a central Traveller Education or wider Ethnic Minority Achievement Service. We believe that schools and Local Authorities are best placed to decide how support services should be organised in their areas and we are confident that they will make the right decisions as to the most appropriate local provision.

Witnesses who presented evidence to the Panel noted that the end of ring-fenced funding for the Traveller Education Service network had contributed to its erosion
before the election, but local authority deficit reductions had accelerated this process. Thus TES posts across the network have been phased out at a rapid rate, or vacancies left unfilled. When asked about whether these cuts were undergoing impact assessments in relation to the effect on specific minority children, the response given by the Traveller Education Service witnesses was that those responsible for making cuts were often also responsible for commissioning impact assessments. It was also argued that through the merger of Traveller education duties into a post with a wider education remit, it could appear on paper that duties pertaining to supporting GRT children were still being performed. However, for many staff, they would represent a fraction of a long list of work duties, and would not receive the same level of attention as they had under specific Traveller education posts.

Linda Lewins noted that Gypsies and Traveller pupils often needed high levels of outreach to help them to attend school, to give guidance and address fears over bullying. The outreach services of TES networks were being severely affected by cutbacks. Commenting on those Gypsy Roma Traveller pupils who had succeeded in the education system Lewins stated:

“…those children often had masses of input when they were young and that is the result of it and the big message of the national strategies was that families need to trust schools and that is the biggest issue for the community that we are representing today and that trust takes an inordinate amount of time to build up, you need to work with a family over time until you are accepted into that community and then you are able to do all the work that Traveller Education Services (TES) do and with this abrupt ending of the work of TES’s there is no one able to bridge that gap”

Brian Foster presented a chart which displayed data from a recent survey of Traveller Education Services undertaken by the National Union of Teachers which demonstrated the rapid loss or restrictions on such services.
He concludes in a written submission

“It is clear that the future of many services is unsure with most anticipating cuts and some having already received redundancy notices. Without these services to support them the most vulnerable pupils, those who are mobile or disengaged from school, those whose parents are educationally disadvantaged or suffering social, economic and domestic difficulties, will be the ones who will suffer most”.

Young People

The former children’s commissioner Professor Sir Al Aynsley-Green informed the Panel that he has taken a close interest in the situation of young Gypsies and Travellers, particularly in relation to accommodation insecurity and that he had visited and met with a number of young people in this situation. He stated that his reaction to their plight was despair and deep anger but also through meeting these young people how inspired he was by what they have to say, their heritage their culture and the cohesion of their families.

Debbie Harvey of the Children’s Society stated in a written submission

“The lack of safe, secure and suitable accommodation underpins many of the inequalities faced by Gypsy and Traveller children and young people. Many families are forced to live daily with the insecurity of unauthorised sites because of the shortage of suitable legal sites. They then face the cycle of evictions and life on unsuitable roadside stopping places with no facilities”
Sir Al Aynsley-Green felt that the experiences of many Gypsy Roma Traveller children meant their treatment was in contravention of the UN Convention on the Rights of the Child (UNCRC), a view supported by The Children’s Society, who informed the Panel that as long ago as 1995, the committee of the UN recommended that pro-active measures be undertaken on the rights of children belonging to Gypsy and Traveller communities. The UN had indicated that measures pertaining to Gypsy Roma Traveller children’s right to education were required and a sufficient number of adequately appointed sites for their communities should be secured in Britain. The Children’s Society noted that unfortunately these recommendations have never been implemented. Baroness Whitaker, chairing the Panel session, concluded that this point and the concerns regarding the welfare of children should be brought to the attention of the Joint Committee on Human Rights, the European Court of Human Rights and the Diocesan Boards of Education alerting them to breaches of the UNCRC.
Gypsy and Traveller Experiences

A Letter was presented to the Panel by The Children’s Society, written by a young Traveller whose site does not have electricity.

Hello my name is Eliza; please help us with our electricity.

I can’t have my friends around, I can’t do my homework with no lights and the teacher gets mad with me.

There is no TV, no proper wash area, no hot water I missed playing dress up with my little sister I can’t do that anymore. I am sick of washing in a little bowl and waiting for the kettle to boil. I’m scared to go out for a toilet at night it’s so dark with no lights and we got to wee in a little bowl in the dark with a torch. We can’t play with our games, please help us.

I’m only 13 and my life is so sad.

Eliza 13

The letter had been written in November 2010. Despite her family attempting to have electricity supplied to the site for six months, it had still not been connected and she still has no electricity.

Sir Al Aynsley-Green stated “…children have told me repeatedly of endless harassment. One girl told me of how their family had a baby in the van and they were moved on from a layby where they had parked for an hour so the mother could buy some baby milk from the local store, the police were called and they were moved on immediately – that is what a child told me. The discrimination is very serious to the point that serious and profound bullying that you hear everywhere and about how these children are affected it is not surprising their support for school is variable but the outreach services I have seen have been truly magnificent”.

Sir Al Aynsley-Green had also visited a family in Somerset just prior to their eviction. The children were deeply distressed by the prospect of eviction. Despite strong local support this family had been compelled to leave their site under the threat of eviction. Debby Harvey of the Children’s Society reported that the extended family has been broken up since they lost their site because of planning problems and the strain has affected both their physical and mental health. The grandparents who were living on an unauthorised encampment were under huge strain. They had an adult grandson who was disabled and had the intellectual capacity of a five year old and who could not go out alone because of the busy road next to the encampment.

Chris Whitwell of FFT spoke of the trauma and mental and physical health problems endured by young Gypsies, Roma and Travellers as a result of inadequate accommodation and experiences of eviction and discrimination. Sir Al Aynsley-
Green spoke of the “real need for society and policy makers to try and see things through the eyes of these young people”.

Representatives from NATT and ACERT expressed deep concern that the ‘Every Child Matters’ and cross departmental and inter-agency work on and for young people, which can potentially improve support for young Gypsies Roma and Travellers, were ‘unraveling’ as a consequence of cutbacks which have impacted on large numbers of services.

Brian Foster stated

“The every Child matters agenda is another thing that is going, we felt when it was introduced that we had kind of come home, we had always worked with other agencies, health and concerns about safety and racism and other things like that, we felt we had come home but that seems to have been cut back with no discussion”

Health

In response to research findings on their health status (Parry et al 2007, Van Cleemput et al 2007), the Dept of Health targeted health improvement of Gypsies, Roma and Travellers in the Pacesetters Programme, a policy initiative aimed at reducing health inequalities. The results showed striking inequalities in the health of Gypsies and Travellers, even when compared with people from other ethnic minorities or from socio-economically deprived white UK groups and demonstrated the long-term health impacts associated with a history of persecution and social exclusion of Gypsies and Travellers. Poor accommodation and a lack of sites are often major variables that impact on the health of Gypsies and Travellers (Van Cleemput, 2007, 2010). Joseph P Jones in evidence to the Panel Review, outlined how the stress and anxiety of trying to secure planning permission had had a severe impact on his own health. Hence, if the Localism Bill does lead to a reduction in site provision, the health implications could be profound by increasing unauthorised encampments which makes it difficult to register with GPs or receive any continuity
of health care on the one hand, while effectively forcing people into unsuitable forms of accommodation on the other. Research indicates that those who have been unwillingly ‘settled’ into conventional housing experience high levels of stress and poor mental health, with prejudice and conflict with their neighbours common (Greenfields and Smith 2010).

In addition to the Localism Bill, a major initiative of the Coalition Government are NHS reforms that are also centred on notions of devolution and decentralisation. The Government was asked one specific question about how they envisaged policies, with particular reference to the Pacesetters Programme, would improve Gypsy/Roma/Traveller health. CLG responded as follows:

<table>
<thead>
<tr>
<th>How does the Government envisage Pacesetters and other policies improving Gypsy/Roma/Traveller health?</th>
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<tbody>
<tr>
<td><strong>The Government View</strong></td>
</tr>
<tr>
<td>The NHS White Paper, Equity and Excellence: Liberating the NHS seeks to promote equality and reduce health inequalities. Health reforms are working to improve the health of the whole population - including Gypsies and Travellers - and equality and fairness in service is at the heart of the NHS and (forthcoming) Public Health Service England.</td>
</tr>
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<td>The aim of the Pacesetters programme was to deliver reduced health inequalities for patients and service users and working environments free of discrimination, including trialing innovative approaches to some of the more deep-seated health access problems experienced by Gypsies and Travellers. Learning and good practice from the Pacesetters programme has been disseminated widely, and is feeding into the 'Inclusion Health' programme which is dedicated to improving the health outcomes of vulnerable groups.</td>
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<tr>
<td>The Inclusion Health programme seeks to drive improvements, mainly through system reform and clinical leadership, to ensure everyone gets the care they need, regardless of their needs or circumstances. The recently announced national Inclusion Health board will provide vital leadership in this area and champion the needs of vulnerable groups across health and social care.</td>
</tr>
<tr>
<td>The Department of Health is also working with the NHS to promote equality and fairness in service and has established the NHS Equality and Diversity Council to support NHS staff and organisations to work more closely with the diverse groups and communities they serve.</td>
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</table>
This response makes light of the potential negative impact of the NHS health reforms. Sir Al Aynsley-Green informed the Panel that he was so deeply concerned about the implications of NHS reforms that he had asked the Chair of the Health Select Committee if he could carry out an inquiry into the impact of these reforms upon young people. Sir Al Aynsley-Green spoke of the impact of health reforms

“I predict with absolute certainty that the outcome will be absolutely catastrophic to families who already have great difficulty in accessing primary health care and emergency care etc, so where in the NHS reforms is there any mention of highly disadvantaged communities like Travellers. What is going to happen to them with the GP commissioning and other changes in the legislation?”

Community members, representatives of Gypsy Roma Traveller local community organisations and health staff working in community settings, or in public health have all reported to the Panel, or afterwards to a Panel member. There is a great deal of concern among informants that many BME projects are either ending or are reducing staff and that much good work on Gypsy, Roma and Travellers health, that relies on collaborative work between agencies, will be undone with the loss of posts not only in health but also in voluntary sector and local authority funded posts such as outreach workers. The running down of Primary Care Trusts (PCTs) and the lead up to GP commissioning is creating uncertainty about funding of some posts and loss of continued funding of some existing projects.

For example, the posts of Gypsy Inclusion Officer, previously funded by Doncaster PCT and also a Gypsy and Traveller community development worker who had a specific remit on improving access to health care, have both been lost. Dr Crichton, a Doncaster GP, reported

“The financial constraints appear to be affecting every individual in our community, so I am cynical and find it hard to see funding for current services never mind increasing/improving services….. The running down of the PCT and
uncertainty of the new GP commissioning model means no new spending will be agreed”.

Examples were given of previous good work that is now threatened. Chris Whitwell of FFT reported that some effective partnerships had been forged between Gypsy Roma Traveller community groups and the health service, providing awareness training and outreach and other forms of specialist support. Bridget McCarthy, an Irish Traveller, told the Panel how she had helped train midwives on Gypsy and Traveller cultural needs and life experiences. The Roma Support Group informed the Panel that it had undertaken innovative work with its local PCT.

There is also concern about the impact of reforms on GP practice. For example, the local enhanced GP service for Travellers in Market Harborough is under threat. Lynne Hartwell, previously the specialist health visitor for Travellers in Leicestershire expressed concerns that:

“Practices are much more likely to remove patients who may leave the area for short intervals. Currently many GPs accept that Travellers travel and will return in the autumn, therefore allowing continuity of care. In the future I worry that this will not be accepted, Travellers will return to the bad old days of not being able to obtain full registration due to their mobile lifestyle therefore further jeopardizing their health. Temporary registration is likely to be their only option and therefore GP statistics are unlikely to include temporary patients so we will have even less accurate data than we currently have.

The CLG response refers to Inclusion Health and “a national inclusion health board”, but despite this board now being recently established at a national level, Inclusion Health remains widely unknown at frontline service level according to several respondents. Despite significant political will, there remains an apparent enormous gap between government policy thinking and development at national level and dissemination and implementation at local level. Rapid work is essential to establish regional or local leads who can address strategic issues such as the loss of crucial posts and take responsibility for tackling the inequalities faced by Gypsies, Roma
and Traveller at a local level. The CLG reference to learning and good practice is from Pacesetters, a programme which sought to reduce health inequalities for patients and service users through innovative approaches (Van Cleemput et al 2010) but there is limited evidence of many of those initiatives being sustained in the areas where they were initiated as few were embedded and mainstreamed as envisaged. For example, a ‘flagship initiative’ the Health Ambassadors in Leicestershire, has received no further funding beyond April 2011.

Health improvements are not determined solely by specific health service provision and, as already noted, the social determinants of health such as accommodation related factors, deprivation and widespread prejudice and discrimination are critical for Gypsies Roma and Travellers. There is a real need for multi agency working to achieve improved health outcomes and access to services. For example, the Save the Children Fund report on Early Years work with Gypsies and Travellers emphasised the need for outreach workers. It refers to families from these communities remaining excluded from many mainstream services and opportunities, particularly health and education, and suggests that an ‘open door’ policy is insufficient to ensure equitable access since services remain inaccessible to anyone who does not know about them. In addition to the role of outreach in identifying and contacting marginalised groups to bring families or individuals into existing services directly delivering services, there are further important roles. These include increasing health awareness and knowledge of services. Reverse outreach by community members to staff from statutory services or voluntary agencies is also important in the aim of improving health and access to health services for Gypsy Roma Traveller populations. Both forms of outreach are under threat with cuts experienced by third sector organisations or PCTs that often fund such posts.

Helen Jones, director of a third sector organisation Leeds GATE, emphasised the importance of the brokering and bridging functions in improving Gypsies and Travellers’ access to mainstream services and support. However, their service is facing increased pressure to meet existing and escalating need as a result of the current cuts and reduction in funding.
“Our success rate with funding applications, along with everyone I know, has plummeted (largely I believe as a consequence of oversubscription). All the usual pressures have got worse and therefore caused a strain on our ability to meet all presenting need. So not only are debts, health stresses, fears about the future, getting worse for our clients, including loss of some other services they were accessing, they are also getting a less comprehensive service from us. She expressed the concern that “Public funding seems to be all going in the direction of obliging us to become direct service providers in order to be able to ‘earn’ any of the available funds. This holds the danger of organisations such as GATE becoming ‘service providing ghettos’, the only place where our clients can access services. I think that is contrary to achieving our aim of improving quality of life”.

Dr Van Cleemput has also noted that the “streamlined” Public Health England is also going to have funding issues as they undergo transition and transfer of functions from the HPA and transfer from PCTs. Although there will be a ring fenced public health budget, this does not mean ring fenced roles. Important strategic roles are already being lost in this transition period. For example, Yorkshire and Humberside is not sustaining a regional migrant health post, therefore losing important skills and knowledge in the form of advocacy/networking and contribution to policy development. There is widespread fear among informants that much knowledge and well developed skills are already being lost and will not be easily replaced despite the political will to address the needs of vulnerable groups

Economic Exclusion and Welfare Support

Matthew Brindley informed the Panel that the ITMB had project managed the Traveller Economic Inclusion Project. This large-scale qualitative project, funded by Big Lottery Research (Ryder and Greenfields/ITMB, 2010) had explored the employment experiences of Gypsies and Travellers and the impact of various social
factors on forms of work and economic activity. The research found that those engaged in ‘traditional’ forms of employment (e.g. gardening, trading; scrap metal work.) were experiencing growing difficulties in remaining economically independent. These problems were directly connected to the shortage of sites, poor access to education and training and a lack of business support from services such as Business Links. Mr. Brindley also informed the panel that targeted support for unemployed Gypsies and Travellers appears to be limited by the fact that the DWP/Jobcentre Plus Branches fail to classify Gypsies and Travellers as ethnic groups which potentially impacts negatively on the monitoring and understanding of these minority’s employment and training support needs.

The Panel was also informed of potentially devastating changes to Supporting People’s Services where there is expected to be significantly reduced financial support for this service. Siobhan Spencer of the NFGLG felt that this funding stream could benefit from being made less bureaucratic, and was concerned that when such funding was used to partly finance the services of a warden at a site (on the assumption that they assisted with form filling and acted as a liaison point to other agencies) that there could potentially be a conflict of interests between the local authority who owned/managed the site and the needs of the site residents approaching the warden for assistance. Despite this, Siobhan informed the Panel that a number of Gypsy Traveller projects such as the Ormiston Trust, Cara Homes and the East Notts Traveller Association, had used Supporting People services to provide valuable support to community members experiencing problems with accommodation or who needed to access services and personal support. Since the hearing Siobhan has submitted a petition to the panel raising concerns about the cutbacks to supporting peoples’ services in Nottinghamshire:
Petition

As you may be aware The Nottinghamshire County Council has been tasked with making a £10 million cut to the support people budget. As a result of this cut The Travelling Together Service is to be decommissioned post July 2011.

This is the only front line support service for The Gypsy and Travelling Community in Nottinghamshire. Supporting People have stated that the Gypsy and Traveller Community will be able to access other mainstream services.

We know that many of the Gypsy and Traveller Community, will not for a variety of reasons be able to simply access mainstream services as the Council have stated. We are therefore asking the County Council to reconsider their decision. Please sign below to show your support.

WE THE UNDERSIGNED CALL ON NOTTINGHAMSHIRE COUNTY COUNCIL TO RECONSIDER ITS DECISION TO DECOMMISSION THE TRAVELLING TOGETHER SERVICE.

Annette Warren a Gypsy Traveller Liaison Officer informed the Panel in writing

“In Nottinghamshire along with other counties in the East Midlands we are facing huge spending cuts in the public spending of local authorities on services. We are going to see an impact on the roles such as Gypsy Liaison Officers, Supporting People funded specific services for Gypsies and Travellers as highlighted by Siobhan Spencer and also not forgetting the cuts with the dissolving of the Primary Care Trusts which will mean a loss of the much needed Traveller Health Worker. It takes a long time to build up confidence and trust when working with members of the Travelling community and it is looking very likely that much needed services will disappear leaving them once again a seldom heard minority group”.

Since the hearing, the Panel has been informed that a loss of funding will lead to staff redundancies in Ormiston’s targeted service for Gypsies and Travellers. Ormiston has established itself as a lead support agency in the East of England whose innovative work has been of national significance.
Housing

Chris Whitwell of FFT stated that although there was often a strong focus on site provision, it should not be forgotten that there were possibly as many as two thirds of the Gypsy and Traveller community living in conventional housing (as well as all known Roma community members), many of which still experienced acute disadvantage and exclusion. Helena Kiely (an Irish Traveller who works with the LGTU) spoke of the aversion to bricks and mortar experienced by many Gypsies and Travellers. The shortage of site provision has forced many to go into housing and a series of studies by Greenfields and Smith (2010, 2011) have highlighted the often devastating social and psychological impacts of enforced settlement in an unfamiliar and frequently hostile environment. Frieda Schicker of the LGTU noted that many of these Gypsies and Travellers were placed in private temporary accommodation, the short term nature of which, meant these families could be highly mobile, fragmenting family support networks but also disrupting access to services like health and education. Bridget McCarthy (a housed Irish Traveller) stated that after twenty years of being housed, her preference would still be to live on a site and that when she had first moved into bricks and mortar accommodation she had experienced profound discrimination from her neighbours on account of her ethnicity. For housed Gypsies and Travellers, although their needs were great, specialist support was often less evident as there was a greater possibility that they were unknown to agencies who could assist them. For many other housed community members, there was no specialist Gypsy and Traveller support or community group in their area who worked with housed Gypsies and Travellers, exacerbating the chances of social isolation and the breakdown of
physical and mental health identified in Parry et al’s (2004) study (see further Cemlyn et. al., 2009).

Criminal Justice Issues

It has been noted that stereotyping Gypsies Roma and Travellers as being habitually engaged in criminal activity is common in political and media discourse, which then feeds into and informs the general public's perceptions of this group (Greenfields, 2006; Power, 2004). However, it has been noted in the EHRC literature review that ACPO state they have no disproportionate problems with criminality in the Travelling population (Cemlyn et al 2009).

Commenting on the exclusion that can be caused by the location and nature of certain sites and links to criminality, NAGTO stated that:

“dependency, and many of the separate and unsuitable locations of the sites provided, their construction and management arrangements, created a kind of ghetto effect. Their populations lived very separately from the rest of the local population. The policing of them was carried out sometimes on a very primitive and confrontational basis. While those who lived on public sites (or on the side of the road) were often excluded (or they kept away, or both) from education, easy access to health services, training and therefore employment opportunities, the level of criminality (though still denied by some in the communities) was almost certainly higher than for populations around them and that exclusion and criminality fed into and increased the prejudice and racism of others”.

If the shortage of sites and the conditions of some existing sites is not addressed, then links between substandard accommodation and social alienation and poor access to services as outlined above may go unchanged. As noted, a number of participants in the Panel Review were fearful that localism could aggravate local tensions over site developments. Hence, there may be increased occasions when
Gypsies and Travellers are the victims of crimes such as harassment and hate crime. Strained relations between Gypsies and Travellers and the police and perceptions of discrimination may not in all cases lead to community members reporting such incidents (Coxhead, 2007). On the other hand, a number of police forces are promoting innovative work in forging good community relations with Gypsies and Travellers which will need to be more widely disseminated in the new and emerging environment of localised planning and decision making, given the anticipated rise in community tensions that could stem from such reform.

The Reverend Roger Redding and Father Joe Browne spoke to the Panel about the support work that churches provided to Gypsies and Travellers who were in the criminal justice system. It was noted that Gypsies and Travellers could be at a particular disadvantage in the criminal justice system, as a site is not usually treated as an acceptable bail address leading to longer periods in custody, and that the high level of illiteracy amongst Gypsy and Traveller inmates means that the prison culture of form filling presents a series of challenges. Father Joe Browne stated that the Irish Traveller Catholic Chaplaincy has commissioned research into the experiences of Travellers in the criminal justice system and that the research would be available later in 2011.

Roma

Dada Felja, of the Roma Support Group, and Professor Thomas Acton OBE both stated that they were encouraged that some Roma pupils had done extremely well in the UK education system and had gone on to enter higher education. These successful young Roma were role models not just for the Roma but also Gypsies and Travellers as they demonstrated that it was possible to remain culturally Gypsy/Roma or Traveller and still receive a higher education without losing their distinctive identity.

On a less positive note, many young Roma who speak English as a second language are living in poor quality and overcrowded housing and experiencing exceptionally high levels of poverty. These young people are still vulnerable in the
education system and were in need of additional support from Traveller Education Services. Hence, the demise of such educational support was the cause for grave concern.

Work restrictions on A8 (Poland, Slovakia, Czech Republic, Slovenia, Hungary, Lithuania, Latvia and Estonia) migrants and in particular A2 (Romania and Bulgaria) nationals in the UK (from which country many Roma migrants originate) has placed huge obstacles for Roma to support themselves by finding work. It was reported that many were trapped in casual self-employment and earned a fraction of the legal minimum wage which consigned them to residence in overcrowded and substandard accommodation. In addition, Acton argued they are targeted by police action, supposedly against ‘trafficking’, which has led to repeated episodes of children being briefly rounded up and their carers arrested, before being released.

Dada Felja informed the Panel that there were very few Roma support projects in the country and those that did exist, received limited local authority support while the funding base of groups such as the Roma Support Group had (like their Gypsy and Traveller counterparts) been severely affected by the financial crisis and cutbacks, thus creating insecurity regarding the sustainability of the agency’s work.

The Roma Support Group had considered applying for the Government’s transition fund but noted that 90% of BAMER (Black and Minority Ethnic Refugee) organisations could not apply for a proportion of the £100 million Government Transition Fund (which is designed to equip leading community organisations to a sustainable bridge to self-sufficiency during economic cut-backs) because they receive less than 60% of their funding from taxpayer funded sources and thus were
ineligible for support from the Fund. This condition not only disqualified the RSG but also, most small-to-medium charities in the country. This is because the safety net provided by the Transition Fund that will now benefit only large existing charities. The Roma Support Group declared:

“How does this agree with the government’s rhetoric to engage our sector in opportunities to build vibrant and resilient civil society? Many small-medium size community groups, which deliver vital and life-saving work for the most marginalised members of our society, will go under well before opportunities ever emerge”.

London councils have imposed funding cuts on hundreds of small community support services. These cut-backs have included funding for the RSG’s Education Support Project which has led to a recent challenge to the policy in the High Court. This case has highlighted the fact that these cuts usually hit frontline support for the most disadvantaged and socially excluded groups and are undertaken without “due regard” being paid to equality duties as required by s71 of the Race Relations Act 1976, section 76A of the Sex Discrimination Act 1976 and section 49A of the Disability Discrimination Act 1995. The RSG believes that their case could set a legal precedent and act as a model for legal challenges to be brought by Gypsy Roma Traveller and other groups affected by punitive cuts which impact negatively in relation to equality duties.

OPPORTUNITIES FOR DIALOGUE AND REFORM

Opportunities for dialogue and reform are presented by a number of new forums and initiatives. It has been brought to the Panel’s attention that the Coalition Government will establish a new statutory Social Mobility and Child Poverty Commission. The Commission will assess progress on both social mobility and child poverty, holding
the Government and others to account and acting as an advocate for change (HM Government, 2011). The Panel Review recommends that this commission makes Gypsies, Roma and Travellers one of the priority groups for its work given the high level of exclusion experienced by these groups. The Social Mobility and Child Poverty Commission and indeed other agencies assessing exclusion levels for Gypsies, Roma and Travellers should not rely solely on data surveys. A recent report for the Joseph Rowntree Foundation notes that qualitative research provided invaluable insights into specific forms of disadvantage (not captured through survey data) experienced by minority ethnic groups, notably among A8 migrants, asylum seekers, refugees and Gypsy Travellers (JRF, 2011).

**An EU Framework for National Roma Integration Strategies up to 2020**

The Panel was informed by Andrew Ryder that the Hungarian Government, in its presidency of the European Union had promoted a Framework for National Roma Integration Strategies which would shape European and national policy on this issue (European Commission, 2011). It is expected that member states, guided by the Framework, will devise their own national strategies to address Roma, Gypsy and Traveller exclusion which will have clear goals and targeted actions focusing on four crucial areas.

1. Access to education: *Ensure that all Roma children complete at least primary school*
2. Access to employment: *Cut the employment gap between Roma and the rest of the population*
3. Access to healthcare: *Reduce the gap in health status between the Roma and the rest of the population*
4. Access to housing and essential services: *Close the gap between the share of Roma with access to housing and to public utilities (such as water, electricity and gas) and that of the rest of the population*
In addition, the national strategy will be required to:

- Identify disadvantaged micro-regions or segregated neighbourhoods, where communities are most deprived, using already available socio-economic and territorial indicators (i.e. very low educational level, longterm unemployment, etc)

- Allocate sufficient funding from national budgets, which will be complemented, where appropriate, by international and EU funding. Include strong monitoring methods to evaluate the impact of Roma integration actions and a review mechanism for the adaptation of the strategy

- Be designed, implemented and monitored in close cooperation and continuous dialogue with Roma civil society, regional and local authorities

The Framework for National Roma Integration Strategies, if delivered in the UK in accordance and within the parameters as set out by the EU, will be of profound importance in the development of policies to address Gypsy, Roma and Traveller exclusion and provide an opportunity for NGOs to raise the concerns voiced in this report and to seek reform where policy has been identified as failing. However, the precarious funding situation for Gypsy Roma and Traveller community groups raises grave questions about the whether they can input into, and be effectively involved in, the Framework for National Roma Integration Strategies unless the Government takes serious measures to preserve, capacity build and extend the existing network of local and national community groups.

Andrew Ryder suggested that the European Union and national governments should sponsor activities like the Panel Review in EU member countries by bringing together Roma/Gypsies and Travellers with service providers and policy makers into a collective and deliberative dialogue to feed into the development of and monitoring of the EU Roma Framework and national strategies. The newly formed European
Academic Network for Romani Studies will be one means by which good practice and debate on Roma inclusion can be facilitated across Europe. The network will facilitate intercultural dialogue and support efforts towards the social inclusion of Roma citizens in Europe. The project will raise the visibility of existing research and foster cooperation with policymakers, by providing evidence for better conceived policy initiatives. One of its key roles will be to provide references and guidance to policymakers and researchers. For more information see: http://www.coe.int/romastudies

Additional evidence was submitted to the Panel subsequently by Jenni Berlin (a Finnish PhD student working with Margaret Greenfields at Buckingham New University) in relation to the Finnish Roma National Strategy which has been applauded in Europe as a best practice model, embracing health, social care, accommodation and rights to cultural identity. Lord Avebury suggested that this might offer some good practice recommendations for both UK and other European models.

Inter-Ministerial Working Group

The Government has expressed a commitment to raising the social inclusion of Gypsies and Travellers through the establishment of an inter-ministerial working group looking at discrimination and poor social outcomes for Gypsies and Travellers. Please can the Government outline the nature of this group and how it will work?

The Government View

In the light of evidence of poor life outcomes for Gypsies and Travellers the Secretary of State for Communities and Local Government, Eric Pickles, asked for cross-government collaboration to tackle the serious inequalities affecting these communities especially in terms of cutting glaring inequality gaps and the degree of racial abuse, which would not be tolerated if directed at any other ethnic group. Related to these problems are challenges concerning their exclusion from shaping/benefiting from mainstream services and the lack of participation in wider civil society activities.

A Cross Government Ministerial Working Group has now been formed for this purpose, chaired by the Secretary of State for Communities and Local Government, with ministers representing Departments for Education, Health, Work and Pensions, Home Office, Ministry
of Justice, Home Office and HM Treasury. Issues to be addressed include poor community engagement with education, health, employment and benefit services and the need for more responsive services in relation to financial exclusion, race hate crime and poor relations with society generally in the context of new traveller sites.

These issues have been discussed by officials and some Gypsy and Traveller representative groups to ensure that no key issues have been omitted and to consult on the most effective ways to take these forward and encourage and support local community groups to play their part in delivering local solutions. We are also looking at ways to engage with local authorities, the voluntary sector, health providers and police forces among others to help secure effective outcomes.

Many participants to the Panel Review welcomed the establishment of the Inter-Ministerial Working Group. For example, the National Association of Local Councils stated “We consider it a very good idea that Mr Pickles has asked for this group to be established in order to address the structural issues of racism and social exclusion which the travelling community has been exposed to”. As is evident from this section of the report, many challenges to increasing the social inclusion of Gypsies Roma and Travellers people will face the inter-ministerial working group.

As Father Joe Browne noted, “the fact of the matter is that on our very own doorstep we have people, namely Gypsies, Roma and Travellers living in third world conditions”. One way of ensuring that the inter-ministerial working group is successful is by listening to, and taking on board, the views and aspirations of Gypsies, Roma and Travellers and making them partners in the design of new Government policies and as part of the EU Framework for National Roma Integration Strategies. As Joseph P Jones of the Gypsy Council stated, “he was tired of others designing policies for him and his community and never being properly consulted. … and this was why so many policies had failed in the past”.

79
CONCLUSION

The Panel Review of Coalition Government policy has sought not only to focus critical and constructive debate of Coalition Government proposals, but also to promote dialogue and understanding concerning the central issues of how more sites can be developed effectively in a manner which contributes towards the social inclusion of Gypsies and Travellers and greater community cohesion. Many sections of this Report provide ample evidence for the urgency of addressing such issues, but in order to remind the reader of what is at stake, the following quotes provide a powerful illustration. In written evidence the Gypsy Council has noted:

"It is no exaggeration that many Travellers are tortured by the planning system. Long delays, uncertainty, fear of eviction and having to live on the roadside hangs over many, many families who are waiting for planning decisions from the local authority or quietly living their lives in fear of enforcement. The stress on families and the pressures leading to marriage breakdown, alcohol misuse, stress related illness and depression from the way that the planning system impacts on Travellers should not be underestimated" (The Gypsy Council, 2010).

In a Parliamentary debate the Conservative MP Damian Hinds emphasised the significance of this exclusion:

“We all acknowledge the challenges that members of the Gypsy and Traveller communities face, and I say "communities" in the plural, because Gypsies are different from Travellers, and both are different again from travelling show people, as hon. Members have mentioned. These groups face particular challenges in terms of educational attainment, health outcomes and so on, and much good work is done in local authorities and elsewhere to try to improve those outcomes. In all these debates, we must also remember that children are involved, and no child chooses the lifestyle into which they are born. It must be fundamental to our activities
that we secure the best educational and health outcomes for such children” (Hansard, 7 Dec 2010: Column 10WH)

In an earlier debate Hinds noted the importance of more sites in tackling social exclusion:

"As politicians, we have to rise more fully to those challenges, to ensure good life chances for all. Without doubt, the provision of decent sites in workable locations is an important part of that; so, too, is mutual understanding with others in the community, to ensure that everyone is on board" (Hansard 8th September 2010 108W).

The above quoted statements provide powerful and graphic illustrations of the challenges facing Gypsies and Travellers. In the final sections, the Report considers what strategies should be adopted in response to the challenges that lay ahead. In this respects, the Report draws inspiration from the campaign for Traveller Law Reform and the lives of some of the Gypsy and Traveller activists who have been entwined with that campaign but who are no longer with us.

**Traveller Law Reform: Where From and Where Next?**

The recent proposed political reforms concerning Gypsy and Traveller accommodation have raised grave concerns among many stakeholders regarding the potential impact on site provision. As a result, some will be disheartened by the fact that they have lobbied intensely for many years in a campaign for Traveller law reform which had achieved a policy framework prior to the 2010 General Election that held the promise of overcoming years of policy inertia to create a new breakthrough in terms of site delivery and empowerment.

The seeds of the Traveller Law Reform campaign were laid in 1994 with the Criminal Justice and Public Order Act which scrapped the duty on local authorities to provide sites and mobilised key activists from all the groups (including Gypsies, Irish Travellers, new Travellers and non Travellers) in a broad based campaign. The focal point was the establishment of the Traveller Law Research Unit at Cardiff Law
School with financial support from the Joseph Rowntree Charitable Trust, which also funded this Panel Review. The Traveller Law Research Unit was coordinated by Luke Clements and Rachel Morris and drafted the Traveller Law Reform Bill (2002). This Bill was developed in cooperation with key community activists and introduced Gypsies and Travellers more fully than had been the case hitherto to the intricacies of legislation and policy making. Through the establishment of a broad based advisory group, the Traveller Law Research Unit was able to forge a degree of unity across a disparate number of groups and individuals who had not before worked in unison.

At the heart of the Traveller Law Reform Bill was the proposal to return a statutory duty on councils to provide sites. The Bill was introduced to Parliament as a private members’ Bill in 2002. It was realised that if the Bill was to stand any prospect of success then a lobbying campaign would be needed that could generate broad support and utilize modern lobbying approaches. Hence in 2002, groups involved in the framing of the Traveller Law Reform Bill established the Gypsy and Traveller Law Reform Coalition, an umbrella group of national and local Gypsy, Irish Traveller and new Traveller groups and individuals, which was project managed by the Travellers’ Aid Trust.

The Gypsy and Traveller Law Reform Coalition persuaded the Conservative MP David Atkinson to introduce the Traveller Law Reform Bill twice as a private members’ Bill. The logic of this stemmed from the fact that it was felt that broad cross party support was needed for a New Labour Government to finally address this issue. To this end the Law Reform Coalition formed an All Party Parliamentary Group for Traveller Law Reform, which contained Parliamentarians from across the political spectrum interested in promoting Traveller law reform. The success of the Coalition in this first phase is demonstrated by the fact that it won the Liberty Human Rights award in 2004. The citation for the award read:

“For exceptional achievement in uniting Gypsies, Irish Travellers and New Travellers and providing a powerful voice to lobby for positive change and
recognition of their human rights and for effective engagement of cross party support for some of the most socially excluded groups in the UK”.

The next phase of the Coalition’s work involved it addressing challenges that arose as a result of the issue climbing the political agenda, with a sustained, and what some would consider distorted, media campaign by the tabloid press including the infamous series of articles by the Sun entitled ‘Stamp on the Camps’ (Richardson and Ryder, 2009). This led to the issue of Gypsies and Travellers featuring prominently in the run up to the 2005 General Election with the Conservative leader Michael Howard arguing that Gypsies and Travellers were not playing by the rules and that there was a need for more enforcement. No mention was made of the need for more sites but in a meeting with Howard after the election (attended by Kathleen McCarthy of Dale Farm, Rodney Bickerstaffe the campaigner for Traveller rights and Andrew Ryder the Coalition’s campaign and policy worker) he did acknowledge the need for more sites (this was noted in Parliamentary Early Day Motion 1569, ‘Political Consensus on Gypsies and Travellers’ Sites, 2006). The meeting with Howard, and conflict resolution work in Cottenham and Firle reflected an approach by the Coalition which favoured dialogue and bringing opposites together to promote reconciliation and understanding (Richardson and Ryder, 2009).

In 2011, some campaigners may feel that the campaign for Traveller Law Reform has experienced a profound reverse. However, given the Coalition’s Government’s pledge to scrap RSs, the role of campaigners for law reform is far from over. It is to be hoped that some of the fears expressed by those giving evidence are not realised and that the sites that are needed will be delivered by new policy mechanisms. It is also to be hoped that peoples’ worst fears do not materialise with Gypsies and Travellers becoming the focus of local referenda and action groups to halt site development, or that the fabric of the Traveller Education Service network will be decimated. In the event of these fears becoming a reality, huge challenges will face Gypsies, Roma and Travellers which will warrant sustained and renewed campaigning drawing upon the success of previous campaign measures.
One lesson to draw upon is the need for broad based campaigning, although this does not necessitate the re-invention of the Coalition which disbanded in 2006 and gave way to new groups like the Traveller Law Reform Project and National Federation of Gypsy Liaison Groups. However, in a political environment where Gypsy Roma Traveller groups are under-resourced and to some extent ‘thin on the ground’ in terms of trained campaigners, it makes sense for a wider range of groups to come together to pool their resources. The Panel Review reflects the fact that a broad range of stakeholders (both old and new) can still come together to address a common theme.

Another lesson that can be drawn from the past is that groups should not flinch from bringing opposites together and seeking to promote dialogue and reconciliation in the face of potential conflict. This skill may be much in demand if localism does indeed produce a ‘nimby’s charter’ and spawn anti- Traveller action groups and packed village hall meetings. In this respect, the campaign for Traveller Law Reform is blessed with the new generation of Gypsy Roma and Traveller campaigners, who have the sense and determination of campaigners that came before them, but have received greater levels of formal education. Such campaigners can draw important lessons and inspiration from their political forbears. A small selection of these past campaigners are remembered below.

Tommy Docherty can probably be described as one of the pioneers of organised Gypsy and Traveller politics in Britain. He was from the Irish Traveller community and founded the Society of Travelling People in 1959 and for the next forty years worked ceaselessly for his community. Pete Saunders of Leeds Gypsy Roma Traveller Achievement Service wrote:

“He did so much to promote Travellers and seek justice and equal treatment both in site provision as well as in education. He campaigned for the site in Leeds back in the sixties and insisted that schools made provision for Travellers’ children as they had been refused schooling here as elsewhere in those early days. He was a founder member of the Gypsy Council and travelled the country supporting Travellers, helping them to organise and fight
Eli Frankham, a Romany Gypsy poet and civil rights leader was another notable campaigner for Travellers’ rights who founded the National Romani Rights Association. Eli was a charismatic leader who combined powerful rhetoric with elegant poetry to advance the case for Romany and Traveller rights and sat upon the steering group that drafted the Traveller Law Reform Bill (Guardian, 2000).

Sylvia Dunn was also an important figure in Traveller law reform. Like most Gypsy women, years of harassment by police and local authorities made Sylvia Dunn a force to be reckoned with. She founded the National Association of Gypsy Women and contributed to the framing of the Traveller Law Reform Bill. Although by then frail and unwell, one of Sylvia’s last acts was to stand in the General Election against Conservative leader Michael Howard who had made Gypsies and Travellers a national campaign issue. Sylvia said:

"The things Michael Howard has said about Gypsies and Travellers are absolutely vile. They are motivated by racism. We followed the advice that his Conservative government gave us - to buy our own land and develop it. We worked hard to get the money together and then what happens? We got nowhere. This nasty gentleman is saying stamp on the camps". (BBC News, 11 April, 2005)

Len Smith was born in Yorkshire and moved to the New Forest in the 1950s. With a Gypsy background of hawkers and clairvoyants in his family, Len soon became integrated with the New Forest Gypsy community. By the 1960s he was actively involved in Romany rights campaigns, while working as a wheelwright and carriage builder and was also the cultural consultant for the Romany Museum at Paultons Park. Many of the Gypsy wagons in the collection were restored or built by Len. One of his proudest achievements was the book ‘Romany Nevi-Wesh - An Informal
History of the New Forest Gypsies’ which was published in 2004. The book traces the history of the Gypsies with particular emphasis on the period from the 1920s to 1960s when they were herded into compounds.

Len founded the European Committee on Romani Emancipation, dedicated to achieving equal treatment. He joined Sylvia and Eli in drafting the Traveller Law Reform Bill, was a founder member of the Traveller Law Reform Coalition and a key figure in the resulting campaign. Joseph P Jones, the Gypsy Council chair and a friend of Len said, "Len has been the driving force behind so many of our successful campaigns, particularly with law reform. He has been an inspiration to us all." (Southern Echo, 2007)

Another notable campaigner was Elic Kennedy, a passionate advocate and activist for Scottish Gypsies and Travellers. Mary Hendry said of Elic "Elic made a significant contribution to the Scottish Government’s Strategic Working Group on Gypsy Travellers. He was particularly concerned about issues such as accommodation and recognition of Gypsy Travellers as an ethnic minority in Scotland. He lobbied MPs, local and national, and he became a force to be reckoned with and could debate with anyone for hours to prove a point if he thought he was right "(Hendry, 2010)

Patrick Delaney was an Irish Traveller based in Liverpool. Jake Bowers wrote:

“Patrick was born in Derby and travelled extensively across Britain and Ireland. Like many men within his community, he was a self-employed tarmacker and head of a large family that had little interest in politics or campaigning. But the fatal assault on his son, on a playing field in Ellesmere Port, Cheshire - and the subsequent refusal of the criminal justice system to recognise the killing as racially motivated - propelled him into campaigning for justice on behalf of all Britain’s 300,000 Gypsies and Travellers. He believed, quite simply, that Johnny’s killers had not faced justice” (Guardian 17th March 2006)
Patrick became the co-chairman of Pride not Prejudice, an annual conference that brought Gypsies and Travellers together with representatives of criminal justice agencies. He inspired many with the dignity and determination he brought to attempts to reform criminal justice.

Charles Smith was a Romany Gypsy who also contributed to the drafting of the Traveller Law Reform Bill and was Chair of the Gypsy Council. Thomas Acton wrote:

“one of the leading English Romani community activists of his generation, chair of the Gypsy Council and, since April 2004, a commissioner of the Commission for Racial Equality. An activist in his own ethnic community, he was also a tough, pragmatic local politician. Living on a residential caravan site in Essex, which included both Gypsies and non-Gypsies, he fought Castle Point borough's claims that they had no Gypsies, and then was himself elected a Labour councillor for eight years. He served as mayor in 2002-03” (Guardian 14th November 2005).

Charles like Len, Eli and Elic, combined his activism with a commitment to the arts and published two volumes of poetry, ‘The Spirit of the Flame’ (1990) and ‘Not all Wagons and Lanes’ (1995) and produced his own elegiac film ‘Footsteps in the Sand’ (2004) based on the Gypsy festival of Saintes Maries in the south of France. Many of us remember how Charles faced his prolonged final illness with great courage, working normally, with interruptions for chemotherapy or bone marrow transplants, until nearly the end.

The above are only some of the outstanding campaigners for Traveller rights that have passed away in the last decade. All will be remembered for many years to come. They drew their profound commitment, energy and vision from their personal experience of the injustices inflicted on their communities, from their knowledge and celebration of Gypsy Roma Traveller history, and their recognition of the power of artistic cultural expression as a political tool. They reached out to work not only with those in their own communities and from other Gypsy Roma Traveller groups, but
with Gorga allies, and moreover with those in powerful positions who often represented sources of previous injustices. Their example will provide inspiration in renewed campaigns for justice and equality for Travellers in the coming years and challenges ahead.
Appendix 1

Note by Chris Johnson, Tim Jones and Marc Willers on the Localism Bill 2011 and Housing Act 2004

Introduction

The Localism Bill seeks to abolish Regional Strategies (RSs) (Clause 89). RSs contain within them targets for Gypsy/Traveller pitch numbers for each local housing authority area. Additionally, the Coalition Government has indicated that it intends to replace Office of the Deputy Prime Minister Circular 01/2006 Planning for Gypsy and Traveller Caravan Sites with 'light touch guidance'.

Housing Act 2004

The Bill leaves in place the duty contained in Housing Act 2004 to carry out an assessment of need for Gypsy and Traveller accommodation (Gypsy and Traveller Accommodation Needs Assessments – GTANAs).

However, campaigners and policy workers have pointed out that, without any overarching system designed to ensure that these needs assessments are translated into pitches on the ground, there will be little, if any, likelihood that sufficient provision will be made to meet the needs identified in the future.

The relevant provisions of the Housing Act 2004 are as follows:

225 Duties of local housing authorities: accommodation needs of gypsies and travellers

1) Every local housing authority must, when undertaking a review of housing needs in their district under section 8 of the Housing Act 1985 (c. 68), carry out an assessment of the accommodation needs of gypsies and travellers residing in or resorting to their district.

2) Subsection (3) applies where a local housing authority are required under section 87 of the Local Government Act 2003 (c. 26) to prepare a strategy in respect of the meeting of such accommodation needs.

3) The local authority who are that local housing authority must take the strategy into account in exercising their functions.

   • “Functions” includes functions exercisable otherwise than as a local housing authority.

4) A local housing authority must have regard to any guidance issued under section 226 in—

   (a) carrying out such an assessment as mentioned in subsection (1), and

   (b) preparing any strategy that they are required to prepare as mentioned in subsection (2).
(5) In this section—

(a) “gypsies and travellers” has the meaning given by regulations made by the appropriate national authority;

(b) “accommodation needs” includes needs with respect to the provision of sites on which caravans can be stationed; and

(c) “caravan” has the same meaning as in Part 1 of the Caravan Sites and Control of Development Act 1960.

226 Guidance in relation to section 225

(1) The appropriate national authority may issue guidance to local housing authorities regarding—

(a) the carrying out of assessments under section 225(1), and

(b) the preparation of any strategies that local housing authorities are required to prepare as mentioned in section 225(2).

(2) Before giving guidance under this section, or revising guidance already given, the Secretary of State must lay a draft of the proposed guidance or alterations before each House of Parliament.

(3) The Secretary of State must not give or revise the guidance before the end of the period of 40 days beginning with the day on which the draft is laid before each House of Parliament (or, if copies are laid before each House of Parliament on different days, the later of those days).

(4) The Secretary of State must not proceed with the proposed guidance or alterations if, within the period of 40 days mentioned in subsection (3), either House resolves that the guidance or alterations be withdrawn.

(5) Subsection (4) is without prejudice to the possibility of laying a further draft of the guidance or alterations before each House of Parliament.

(6) In calculating the period of 40 days mentioned in subsection (3), no account is to be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

Amendment of the Housing Act 2004

Many campaigners and policy workers have suggested that one obvious way to ensure adequate pitch provision in the future would be to reintroduce some form of duty to provide sites, along the lines of the duty originally contained in the Caravan Sites Act 1968; a duty which it should not be forgotten led to the development of about 350 local authority Gypsy/Traveller sites in England.
It has also been pointed out: that such a duty would, in effect, be a form of ‘localism’ since it would be for local housing authorities to ensure that sites and pitches were provided; and that such a duty would actually reduce expenditure by local authorities because it would reduce or cut out altogether the need for evictions of unauthorised encampments and enforcement action against unauthorised developments.

The following amendments to the Housing Act 2004 s225 are therefore suggested to try and achieve this aim:

(1A) Assessments as referred to in subsection (1) above should be carried out no less frequently than every five years.

(1B) Within one year of [the Localism Bill receiving the Royal Assent/some specific date] every local housing authority who has not carried out an assessment as referred to in subsection (1) above within the previous three years of [the Localism Bill receiving the Royal Assent/some specific date], must complete and publish an assessment as referred to in subsection (1) above.

(1C) Every local housing authority has a duty to provide or to ensure the provision of sufficient accommodation for gypsies and travellers residing in or resorting to their district having regard to the assessment referred to in subsections (1) and (1A) above. This subsection shall come into effect 18 months after [the Localism Bill receives the Royal Assent/a specific date].
Appendix 2

Note by Chris Johnson, Tim Jones and Marc Willers on new enforcement measures in the Localism Bill

It is intended (Localism Bill Clauses 103 -4) that a new 70C be inserted into the Town and Country Planning Act 1990 (TCPA) giving Local Planning Authorities (LPA) the power to decline to determine planning applications if the grant of planning permission would involve granting (whether in relation to the whole or any part of the land to which an enforcement notice relates) planning permission in respect of the whole or any part of the matters specified in the enforcement notice (EN) as constituting a breach of planning control.

It is also intended that s174 TCPA be amended by the insertion of a new s174(2A) and (2B) which states that:

'(2A) An appeal may not be brought on the ground specified in subsection (2)(a) if -

(a) the land to which the enforcement notice relates is in England, and

(b) the enforcement notice was issued at a time -

(i) after the making of a related application for planning permission, but

(ii) before the end of the period applicable under section 78(2) in the case of that application.'

(2B) An application for planning permission for the development of any land is, for the purposes of subsection (2A), related to an enforcement notice if granting planning permission for the development would involve granting planning permission in respect of the matters specified in the enforcement notice as constituting a breach of planning control'.

These proposals would have unintended consequences. The proposals would mean that a council could receive a retrospective application from a Gypsy and:

- then issue an enforcement notice,
- then use s70C to decline to determine the retrospective application because there is an enforcement notice that has been issued to which the application relates - albeit not one which is yet effective (ENs specify a date on which they will take effect if no appeal is made against them - ENs become effective on that date unless an appeal is made - in which case they will only become effective if the appeal is dismissed)

The problem in those circumstances for a Gypsy would be that s174(2A) would also preclude him or her from appealing against the EN on the planning merits - s/he would be limited to an appeal on the
technical grounds set out in s174(2)(b-f) or an appeal in which all that is sought is an extension of time for compliance under s174(2)(g).

It may be that some LPAs will decide not to use their powers or will fail to do so within 8 weeks - however, experience suggests that enforcement powers will be used enthusiastically by LPAs in Gypsy and Traveller cases! It is possible that where no enforcement action has been taken before a site is developed, Gypsies and Travellers could not make a planning application and then appeal against any EN that is issued. The proposed amendments to the TCPA 1990 will not debar a ground (a) appeal in such circumstances.

However, that will not be possible in many cases because LPAs often don't bother issuing ENs. Instead, when tackling unauthorised developments LPAs simply apply for an injunction under s187B TCPA 1990. In most cases the best way of defending such a claim is for the Gypsies and Travellers concerned to show that they have sought planning permission and that their planning application has a realistic chance of success. Given the proposed amendments, such a course may not be open to a family – save perhaps with the agreement of the LPA that it will not exercise its new powers.

If the proposed legislation is passed without amendment then in order to defend a claim for an injunction the Gypsies and Travellers concerned may have to try and persuade the Court that the LPA should serve an EN before seeking an injunction – giving them the opportunity to appeal and have their case determined on the merits under ground (a). However, there would be absolutely no guarantee that such an argument would be successful and, in the event that the Court was persuaded by such an argument, then it would lead to yet further delay – which must be contrary to the Government’s stated aim.

It would be more difficult to argue with the proposed legislation if it simply meant that a retrospective application could be prohibited if it would mean that the development would breach an extant EN (i.e. an EN which had been tested on appeal or not appealed) – although even then there may be cases where the planning merits should be reconsidered; e.g. a new family moving on to a site which has been subject to an EN may have good grounds for planning permission because they have a much stronger case or are able to rely upon a new policy not in force at the time when the EN was upheld on appeal.

If the proposed legislation is passed without amendment then we consider it likely that it will give rise to confusion, yet more contentious litigation and the possibility of a challenge to its compatibility with the European Convention on Human Rights.

We propose that the draft section 70C be amended so that it only gives LPAs the power to decline to determine planning applications if the grant of planning permission would involve granting (whether in relation to the whole or any part of the land to which an enforcement notice relates) planning
permission in respect of the whole or any part of the matters specified in the EN as constituting a breach of planning control in circumstances where the EN has come into effect.

In the alternative, the new section could simply be re-worded to state:

*A local planning authority in England may decline to determine an application for planning permission for the development of any land if granting planning permission for the development would involve granting, whether in relation to the whole or any part of the land to which an enforcement notice that has taken effect no more than three years previously relates, planning permission in respect of the whole or any part of the matters specified in the enforcement notice as constituting a breach of planning control.*
Appendix 3

The Impact of Planning Circular 1/06 on Gypsies and Travellers in England: Executive Summary of Research

Dr Jo Richardson  De Montfort University, Leicester

This executive summary outlines the key findings and recommendations in a fuller research report which examined the impact of Planning Circular 1/06 on the delivery of sites for Gypsies and Travellers. It is part of ongoing analysis of planning appeal data gathered over three tranches of research activity. Initial findings and thoughts are published early in this report as part of a quick response to the draft National Planning Policy Statement – Consultation on planning for traveller sites - which was published by Secretary of State Eric Pickles on 13th April 2011. Methodology of the Research The research involved examination of 100% planning appeal cases during three tranches and four distinct research periods:

<table>
<thead>
<tr>
<th>Time frame</th>
<th>Number of Cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>Period 1</td>
<td></td>
</tr>
<tr>
<td>1st November 2005 – 31st January 2006 (Tranche One – pre Circular 1/06)</td>
<td>75</td>
</tr>
<tr>
<td>Period 2</td>
<td></td>
</tr>
<tr>
<td>1st February – 30th April 2006 (Tranche One – post Circular 1/06)</td>
<td>54</td>
</tr>
<tr>
<td>Period 3</td>
<td></td>
</tr>
<tr>
<td>1st February 2007 – 20th January 2009 (Tranche Two – “embedded Circular”)</td>
<td>231</td>
</tr>
<tr>
<td>Period 4</td>
<td></td>
</tr>
<tr>
<td>27th May – 31st December 2010 (Tranche Three – post revocation announcement)</td>
<td>45</td>
</tr>
<tr>
<td><strong>Total 405</strong></td>
<td></td>
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</tbody>
</table>

Findings

Although a wide range of factors was considered across all cases, which were decided upon by a number of different Planning Inspectors, three key areas seemed to be discussed most:

1. Unmet evidenced need and lack of alternative sites
2. Weighing up impact on the Green Belt
3. Health, education and other personal circumstances
The Planning Circular 1/06 research found that the number of permissions given at appeal increased substantially (from 40% prior to implementation of Circular 1/06 to 70% during the ‘entrenched period’ of implementation of the Circular).

The majority of permissions given during this ‘entrenched period’ were temporary permissions. Inspectors’ discussion on reasons for decisions showed that weight was given to evidenced need for more sites and lack of alternative accommodation. Appeals were being allowed on a temporary basis to stop the gap. Since the Secretary of State’s announcements to revoke Regional Strategies and Planning Circular/1/06 there has been an impact on number of temporary permissions allowed at appeal. Inspectors’ decision reports show that the revocation announcements were considered and in some cases, weight was given to this. Whilst there is clear evidence that Circular 1/06 did have a positive impact on the number of permissions (albeit temporary) given for Gypsy and Traveller sites, this should not be seen as a system skewed to advantage Gypsies and Travellers. Instead the Circular levelled the playing field for this traditionally disadvantaged group.

**Key Recommendations**

1. Equality Impact Assessments should be undertaken on the cumulative effect of the combined loss of Regional Strategy targets for pitch requirements, together with the withdrawal of Circular 1/06 and the reduction in available government grant funding for site development.

2. Government should consider retaining the word ‘normally’ in the guidance on consideration of site applications in Green Belts. This would allow decisions to be made on a case by case basis and where it is the most appropriate and least contentious location for a site: Green Belt could be considered as an option.

3. The Government should not remove the obligation for councils to undertake GTAAs specifically from the Planning Guidance, as this may mean councils do not update and use this source of evidence but instead rely on other sources – such as count data – which are not so robust.

4. Government should retain the imperative for Planning Inspectors to give ‘substantial weight’ to unmet evidenced need and lack of alternative accommodation, in Planning Guidance.

5. Whilst cuts to Government grant for sites fall within a wider context of cuts, the Government should be mindful that there is a *business case* for funding sites to negate spend on dealing with unauthorised encampments and developments. There is a *social case* for facilitating sites to enable Gypsies and Travellers to access healthcare and education.

6. Alternative approaches to site provision, where appropriate, should be supported and facilitated by the Government through matching development funds from charitable organisations, for recyclable grants for schemes such as Community Land Trusts. Currently applications for funding are made through the Traveller Pitch Funding Stream of the HCA National Affordable Housing Programme; it may be appropriate to make additional funding available for this innovation.
7. Care should be taken in political debate on Gypsy and Traveller issues to avoid stoking contentious and discriminatory rhetoric in the popular press and in community debates on site provision.
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Traveller Law Research Unit – The Traveller Law Reform Bill

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