

ITM Briefing Paper on Accommodation

One of the biggest problems facing Travellers is poor accommodation and a shortage of sites.

- One third of the Traveller community who occupy caravans do not have a secure place to live.
- A shortage of sites has forced many Travellers to live in housing, where they suffer from isolation and exclusion.
- Many Travellers occupy marginal space which impedes inclusion and access to services.

Introduction

During the post-war period Irish Travellers' traditional nomadic lifestyle has been restricted by the increasing plethora of rules and regulations that govern nomadism and urban development, making it almost impossible to find a stopping place.

One third of the Irish Traveller and Gypsy caravan dwelling community do not have a legal or secure place to live, living on unauthorised encampments (the roadside and other public space) or unauthorised developments (occupation of land owned by Travellers but where planning permission has not been granted).

A sites shortage has led to an estimated 200, 000 (CRE, 'Common Ground, 2006) Gypsies and Irish Travellers now living in housing. Some are highly excluded (Clark C and Greenfields M 'Here to Stay', 2006, page 108)

An estimated seventy percent of local authority sites are said to occupy marginal and even hazardous space ('The Provision and Condition of Traveller Sites in England' Niner, 2002) and many are perceived by their tenants as being governed by authoritarian management regimes where tenants have little sense of ownership or say on the sites which they occupy.

The Background to the Shortage of Sites

A shortage of sites in the post war period created growing community tension and led to the Caravan Sites Act.

The 1968 Caravan Sites Act created a statutory duty on local authorities to create Traveller sites. Many of these sites though suffered from spatial exclusion and poor facilities, being located next to or on marginal space near rubbish dumps, busy highways and industrial areas. The opportunity to develop and remedy some of the flaws in this policy were missed through the non implementation of key sections of the **Cripps Report** in 1980. However, the repeal of the duty on councils to provide sites in 1994 meant the construction of local authority sites came to a standstill. Councils ignored a

new planning circular (1/94) that called upon councils to assist Irish Travellers and other Traveller groups to identify land they could buy themselves and develop as sites. This policy failure came at a cost to the Traveller and wider community.

Some Irish Traveller families were forced by the shortage of sites to initiate retrospective planning applications. That is purchase land, move onto it then submit a planning application. For some Irish Travellers their sense of marginalisation and rejection had been intensified as a consequence of experiencing the disparities in the planning system most clearly demonstrated by a ninety percent planning application failure rate for Gypsy and Traveller planning applications in contrast to a twenty percent failure rate for the settled community.

The repeal of the duty to provide sites has created a sites shortage forcing some Irish Travellers to live on unauthorised encampments (roadside) or move into housing. The shortage of decent sites has impacted negatively on Irish Travellers' access to services, such as health and education. The increase in unauthorised encampments and developments has led to an escalation of conflict between Gypsies and Travellers and the wider community.

Campaigning by Gypsy and Traveller groups and increased community tensions has led to the Government introducing a series of new policies since 2004.

New Government Gypsy and Traveller Policies

The Government has placed a statutory duty on local authorities to assess the accommodation needs of Irish Travellers and other Traveller groups (**Gypsy and Traveller Accommodation Assessment**). The assessment of need will feed into regional spatial strategies and Regional Planning Bodies will determine how many pitches are needed within each authority in the region.

New planning guidance **Planning Circular 1/06** obliges local authorities to identify land in their Development Plans that is appropriate for Traveller sites. Irish Travellers and other Traveller groups will be able to buy such land and develop sites but some public provision could be created as the government has now enabled Registered Social Landlords to apply to the Housing Corporation for funds to develop sites. Where local authorities fail to identify land the Secretary of State has **powers of intervention**, which include the right to direct local authorities to do so (ODPM, Guide to Responsibilities and Powers, 2006, 8). Where local authorities fail to meet their new responsibilities it will be a **material consideration** in the planning process. This means that planning inspectors should give consideration to this fact in deciding whether to grant a retrospective planning application by Gypsies and Travellers.

The Government has made **56 million pounds** available for the **Gypsy and Traveller Site Grant** over the period 2006-08; 22 million pounds in 2006-07;

and 34 million pounds in 2007-08. Prior to this around 8 million pounds had been made available annually, since 2001-02. The grant can be used to renovate and refurbish sites and develop new ones.

The Government and Housing Corporation have commissioned **site design and management guidance**. Following the ruling in the European Court of Human Rights (Connors V UK) the Government has indicated that it will improve security of tenure on local authority Traveller sites through the **Housing and Regeneration Bill 2007**.

The Anti Social Behaviour Act 2003 created a provision where increased eviction powers could be utilised where Gypsies and Travellers can be directed to a vacant pitch. The Government hopes this will motivate local authorities to create transit sites.

In 2006 the Government announced the creation of a **Task Group**, initially its remit was only enforcement and no Gypsies and Travellers were represented on the body. In the end following protests from Gypsy and Traveller campaign groups it was resolved that one Gypsy and one Irish Traveller would sit on the Task Group and it would look at site provision as well as site enforcement.

The Race Relations Amendment Act 2002 places a duty on local authorities and other public bodies to outlaw unlawful racial discrimination and ensure equality of access to services, the consultation of ethnic minorities and maintenance of good community relations. Local authorities also have to consider the impact of policies on ethnic minorities (impact assessments). As an ethnic minority Irish Travellers are protected by this legislation.

Strengthening Government Reforms

The ITM welcomes many of the Government's reforms but believes that some of them need to be strengthened or rethought. The ITM believes that the new powers constitute a strong obligation on local authorities to provide and facilitate sites. However, in the past public hostility has weakened the resolve of local authorities. The ITM believes that a **statutory duty on local authorities to provide and facilitate sites** will increase their resolve. (CRE, 2006, 37)

A major weakness with the Government's proposals is a dependency on accurate data gathering to help set targets. The main mechanism for gathering data is the **Gypsy and Traveller Accommodation Assessment** to assess accommodation needs, the Government has issued draft guidance on this but local authorities are responsible for making the assessments. Some campaigners have expressed fears that some authorities will deliberately minimise the numbers assessed in the survey so as to reduce the number of pitches they will need to find. There are also concerns about the lack of engagement with Travellers by some local authorities in the assessment process. Hence there may well be flaws in the data collected and thus inaccurate targets for the number of pitches required, which underestimate need. The Local Government Association (LGA) has also stated that the lack of tight timetables and deadlines on such assessments will mean that some

local authorities will prevaricate and some could be slow to complete (LGA, 2006, 5). The ITM believes that there is a need for stronger guidance and monitoring of assessments.

The ITM is concerned over the length of time it will take to implement **Circular 1/06**. The LGA also believes that there is a need here for a tight timetable and agreed milestones (LGA, 2006, 6). The CRE has made a similar recommendation (CRE, 2006, 227). The Government though has stated that where there is **clear and immediate need** for sites as evidenced through significant numbers of unauthorised sites or developments then local authorities should bring forward Development Planning Documents containing site allocations in advance of regional consideration of pitch numbers and accommodation needs assessments (Circular 01/2006, Transitional Arrangements 11, para 41 – 43). Scope for the monitoring of targets set is also afforded by the requirement for annual monitoring by both the Regional Planning Body and local planning body to consider whether the targets of the Regional Spatial Development Plan or Local Development Framework are being achieved (Circular 01/2006, 10 para 39). The ITM supports calls for a tight timetable and agreed milestones and will endeavour to monitor transitional arrangements and calls for councils to bring forward their Development Plan Documents where there is clear and immediate need.

A key problem may be **affordability** as once local authorities identify land the price will increase greatly. For some Irish Travellers securing mortgages and loans will be problematic because of likely prejudice from lending institutions. Gypsy and Traveller campaigners have drawn the Government's attention to the issue of affordability and asked its officials to explore the feasibility of a loans system being tailored for Traveller groups. The ITM believes this issue needs active consideration.

Public hostility though may also lead to local authorities as in the past identifying land for sites in **marginal space** where public opposition will be kept to a minimum. As the CRE has noted such spatial exclusion can lead to *"...isolation and inequality in access to services, and perpetuates the sense of Gypsies and Irish Travellers as 'others'"* (CRE, 2006, 218).

There will still be a considerable need for **public provision** especially in urban areas where land prices are prohibitive to private ownership (Lord Avebury, Hansard, 23 March 2005, Lords Debate Column 299). Thus the Government, through funding of bodies such as **registered social landlords (RSLs)**, are also promoting public provision. However, there is also the question of addressing the problems of existing local authority sites, which suffer from **poor locations, substandard facilities and limited tenancy rights and sense of ownership** all of which impact on perceptions of social inclusion for tenants on such sites.

The Government has created a **site refurbishment grant** for the renovation of existing sites. Funding is not sufficient for the huge cost of relocating sites in inner city areas. The LGA has also noted the limitations created by the size of the Gypsy refurbishment grant and called for additional revenue funding

(LGA, 2006, 12 para 9.5). Thus for the foreseeable future many Irish Travellers and other Traveller groups will continue to live under motorway flyovers, next to rubbish dumps and other marginal space. Furthermore, there has been little promotion of initiatives to involve tenants more in the management of council sites through the establishment of site forums.

County council and RSL-owned sites, have been brought under a system of regulation so that the amount of housing benefit payable is less than the economic rent, **many existing sites are now loss-making**, and there is no incentive for social landlords to develop new sites where the rents would need to be higher if they cannot recover the amounts from tenants who are on benefit. Research carried out for the Department for Work and Pensions led to a recommendation that the **allowable rent for benefit purposes on all Gypsy sites should be increased by 15 pounds per pitch** to reflect the cost of management on the site, depending on its attainment of quality standards for maintenance and health and safety. These recommendations have not been implemented.

Others who continue to suffer include the highly nomadic Irish Travellers and other Traveller groups. Although **transit provision** is something that the Government has stipulated that local authorities need to consider in accommodation needs assessments and development plans, it is possible that public opposition could minimise such provision. Public opposition to sites has often been at its most intense over transit sites (temporary stay), which arouse the most fear and hostility from the wider community. An estimated 2000 – 2500 transit pitches were estimated to be needed by 2007 in government sponsored research but few have been constructed (Niner, 2002). Where the Government has developed a specific measure to increase the supply of transit sites it is linked to enforcement.

The Anti Social Behaviour Act 2003 created a provision where increased eviction powers could be utilised where Irish Travellers and other Traveller groups can be directed to a vacant pitch. One fear though is that these powers could further marginalise Irish Travellers and other Traveller groups, as if they refuse to go to the directed pitches they must leave the confines of a local authority and not return for a three month period, breach of this ruling can lead to large fines and penalties. Thus a situation could arise where Irish Travellers and other Traveller groups are loath to follow a direction to occupy a pitch on what they feel is a substandard and dangerous site and are compelled to leave the authority, only for the same process to be repeated in the neighbouring authority. Hence, Irish Travellers and other Traveller groups could be subjected to a constant cycle of eviction and the chances of integrating with the wider community and having proper access to services could be severely curtailed therefore creating greater pressure on families to abandon traditional nomadic lifestyles. The Government hope these enforced eviction powers would motivate local authorities to create transit sites. However, local authorities have been derailed in pursuing these substantial enforcement powers by opposition to their transit site plans. The ITM believes the Government needs to actively develop new proposals to create a national network of transit sites.

Travellers living in housing have also been a neglected area in terms of research and policy initiatives. Research being conducted by Shelter may raise awareness of the needs of this section of the Traveller community. The government and other agencies need to give greater consideration to this group in forums and consultation and the promotion of good practice in service delivery for housed Travellers.

The biggest determiner of public goodwill could well continue to be the press, largely local newspapers and the tabloids. A survey by Stonewall found a direct link between the media and public hostility towards Irish Travellers and other Traveller groups. From 2004 the press appeared to launch a sustained media campaign against Irish Travellers and other Traveller groups, which some felt was sensationalist and incited racism, this reached its zenith with the Sun's notorious 'Stamp on the Camps' articles. For example, on Wednesday the 9th of March 2005 the Sun's front page headline read '*Sun War on Gypsy Free for All ..Meet Your Neighbours Thanks To Prescott*', below this was a picture of a particularly untidy unauthorised encampment. Despite complaints to the Press Complaints Commission no complaints were upheld as under its code of practice action can only be taken if named individuals are defamed, thus it is possible to misrepresent a whole ethnic group so long as no individual from the group is named. The ITM believes that the **Press Complaints Commission code of practice** should be amended so that the press have an obligation to not disturb community relations through irresponsible reporting.

The success of new policies and the opportunity to challenge negative stereotypes and foster better community relations are also dependent on greater **civic engagement**. The Commission for Racial Equality Scrutiny report acknowledges this fact (CRE, 2006, 151, 225). Again though the Government's preoccupation with enforcement has impeded this process. A long term campaign objective of the Gypsy and Traveller Law Reform Coalition was for the creation of a **Gypsy and Traveller Social Inclusion Task Force**. This demand was supported by the ODPM Select Committee (ODPM Select Committee, 2004 para 123). It was proposed that the Gypsy and Traveller Social Inclusion Task force contain Gypsies and Travellers and other stakeholders and advise the Government on the progress of its accommodation and education reforms for Gypsies and Travellers and other initiatives to raise social inclusion. However, when the Government did announce the creation of a Task Group in 2006 its remit was only enforcement and no Gypsies and Travellers were represented on the body. In the end following protests from Gypsy and Traveller campaign groups it was resolved that one Gypsy and one Irish Traveller would sit on the Task Group and it would look at site provision as well as site enforcement.

The Task Group on Site Provision and Enforcement

The Task Group meets monthly. The Group is chaired by Sir Brian Briscoe

and regularly takes evidence from organisations that deal with Gypsy and Traveller issues. These include local authorities, police forces who have shown good practice in dealing with Gypsies and Travellers and other bodies, such as the National Farmers Union.

The terms of reference of the Group are as follows:

- 1/** To examine variations in the use and effectiveness of enforcement powers across the country and the causes of such variations
- 2/** To identify barriers to delivery of new site provision and advise on action to address or remove them
- 3/** To act as champions and advocates, to underline the importance of adequate site provision as the key to effective enforcement and to ensure that enforcement powers are used effectively.
- 4/** To act as a sounding board on potential new measure to strengthen enforcement powers and to support and encourage site provision.

Conclusion

The Task Group on Site Provision and Enforcement will make its final report in late 2007. The ITM welcomes the fact that in its interim report it rejected the need for major new enforcement powers arguing that those in existence were sufficiently robust. The ITM hopes that the Task Group gives serious consideration to this issues raised in this paper and assists in developing a policy framework that delivers the sites that are needed, thus raising the social inclusion of Irish Travellers and other Traveller groups and leading to improved community relations.