



Irish Traveller Movement in Britain

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THE LOCALISM BILL AND ITS IMPLICATION FOR GYPSIES AND TRAVELLERS



An Irish Traveller Movement in Britain Briefing

March 2011

Introduction

The Irish Traveller Movement in Britain (ITMB) is a national voluntary body which campaigns against discrimination, promotes inclusion, participation and community engagement for the Gypsy, Roma and Traveller communities. ITMB is proud to work in partnership with Gypsies, Roma and Travellers together with service providers and policy makers across the UK to promote social inclusion and community cohesion.

1. Summary

While not adverse to the concept of localism, ITMB believe there are a number of clauses within the Localism Bill which pose the danger of having an adverse or negative effect on Gypsies and Travellers, particularly in relation to accommodation provision for these communities.

2. Local Referendums (clauses 39-52)

Local referendums are in danger of legitimizing discrimination (particularly on accommodation issues) against Gypsies and Travellers at the local level. Although such referendums are non-binding, Local Authorities are bound to take the outcomes into account in decision making which could result in local authorities being pressurised by local communities into disregarding their Equality and Human Rights duties to Gypsies and Travellers.

There are an estimated 300,000 Gypsies and Travellers living in the Britain (CRE, 2006) with the population spread throughout Scotland, Wales and the 9 regions of England. In the vast majority of local areas Gypsies and Travellers make up a tiny minority who often face high levels of discrimination (specifically on accommodation issues).¹

3. Abolition of Regional Strategies (clause 89)

In removing Regional Strategies (RS) clause 89 of the Bill will also remove the targets for Gypsy and Traveller pitches which are contained within the RS's. Evidence shows that the removal of a strategic approach to Gypsy and Traveller accommodation provision could result in lower pitch allocations.² The consequence of this could be an increase in Gypsy and Traveller unauthorised sites which are estimated to cost local authorities approximately £18 million a year in eviction costs alone.³

¹ EHRC, 2009, Inequalities Experienced by Gypsy and Traveller communities: A review, p. 11
http://www.equalityhumanrights.com/uploaded_files/research/12inequalities_experienced_by_gypsy_and_traveller_communities_a_review.pdf

² TLRP, ITMB, 2010, Submissions to CLG Select Committee enquiry into abolition of RS's, p. 4
<http://www.irishtraveller.org.uk/wp-content/uploads/2010/12/ITMB-Submission-to-CLG-Select-Committee-inquiry-into-the-Abolition-of-Regional-Spatial-Strategies..pdf>

³ Commission for Racial Equality, 2006, Common Ground

4. Duty for Local Authorities to Cooperate (clause 90)

The duty to cooperate does not include detailed or strong enough measures to ensure Local Authorities and other bodies address key strategic issues such as site provision for Gypsies and Travellers.

5. Withdrawal of reporting on Local Development Schemes, Development Plan Documents and Monitoring Reports (clause 91-93)

Clause 91, 92 and 93 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 the Planning Inspectorate many local authorities will disregard the accommodation needs of Gypsies and Travellers.

6. Neighbourhood Planning (clause 96): Neighbourhood Development orders, Community Right to Build orders (schedules 9 and 11)

ITMB is extremely worried that proposals for Neighbourhood Development Plans and Community Right to Build orders may become a tool for purposefully excluding Gypsies and Travellers accommodation needs in local areas. There is also a danger that discrimination in localised planning decisions could result in a significant increase in cases being brought before the courts under the Human Rights Act 1998 etc (as schedule 9, para 283 permits) as a first and last resort for Gypsies and Travellers trying to secure their right to stable accommodation.

7. Retrospective Planning Permission & Time limits for Concealed Breaches (clauses 103-104)

Considering the high incidence of homelessness suffered by Gypsies and Travellers and the difficulties they face in securing stable accommodation (see below) the removal of retrospective planning permission would have a disproportionately negative effect on these communities.

- In 2010 the Equality and Human Rights Commission (EHRC) highlighted that under the current rate of pitch provision it would take 16-27 years to meet the Gypsy Traveller Accommodation Needs Assessments (GTAAs) specified pitch requirements set for a 5 year period.⁴

⁴ EHRC, 2010, Assessing local authorities' progress in meeting the accommodation needs of Gypsy and Traveller communities in England and Wales: 2010 update, p. 3-4
http://www.equalityhumanrights.com/uploaded_files/research/gt_research_report_68_exec_summary_english.pdf

- Department for Communities and Local Governments (DCLG) figures from the January 2010 annual caravan count reveal that 20 per cent of Britain's Gypsies and Travellers living in caravans are officially categorized as homeless.⁵
- A 2009 EHRC report concluded that 'the lack of secure accommodation for nomadic groups remains the lynchpin of a plethora of other inequalities.'⁶

8. Recommendations/Changes

- **Local Referendums (clauses 39-52):** It is essential that the Bill provides measures to ensure local referendums prevent, rather than promote instances of discrimination against disadvantaged minority groups, especially in respect of accommodation provision for Gypsies and Travellers.
- **Abolition of Regional Strategies (clause 89), Duty for local authorities to cooperate (clause 90):** ITMB strongly recommends the Bill is amended to include a duty on local authorities to provide sites under some form of strategic framework to ensure adequate and appropriate provision of Gypsy and Traveller sites.
- **Withdrawal of reporting on Local Development Schemes, Development Plan Documents and Monitoring Reports (clause 91-93):** Clauses 91-93 of the Bill should be amended to ensure local authorities are subject to greater oversight and scrutiny especially in relation to provision of Gypsy and Traveller sites.
- **Neighbourhood Planning (clause 96): Neighbourhood Development orders, Community Right to Build orders (schedules 9 and 11):** It is essential that the Neighbourhood Planning proposals include safeguards to ensure that disadvantaged minorities are not subject to exclusion and segregation in the local planning process.
- **Retrospective Planning Permission & Time limits for Concealed Breaches (clauses 103-104):** Clauses 103-104 should be amended to ensure that enforcement action would not be carried out in cases of retrospective planning permission or concealed breaches if such enforcement would render those parties homeless.

⁵ CLG, 2010, Annual Caravan Count
<http://www.communities.gov.uk/publications/corporate/statistics/caravancountjan2010>

⁶ EHRC, 2009, Gypsies and Travellers: Simple solutions for living together, P. 11
<http://www.equalityhumanrights.com/key-projects/good-relations/gypsies-and-travellers-simple-solutions-for-living-together/>