

Common Ground

Equality, good race relations
and sites for Gypsies and
Irish Travellers

Report of a CRE inquiry in England and Wales

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Foreword

It may be a surprise to some that the Commission for Racial Equality regards the concerns about sites for Gypsies and Irish Travellers as so significant that it warrants a year-long inquiry and such a substantial report as this. But the issues analysed and addressed in this investigation are central to the CRE's twin mandates of equality and social cohesion. The CRE's vision is of an integrated society in which all members of the public have equality of opportunity; can participate fully in all aspects of society; engage positively with one another; and have a shared sense of what it means to be a member of their local community, with the rights – and the responsibilities – this entails.

Gypsies have been a part of British society since the 1500s, Irish Travellers since the 1800s. Yet their relations with others in the communities where they live or pass through are often so poor that they lead separate, even parallel lives. Unlawful 'No Travellers' signs persist, and hostile media reports fuel tensions over unauthorised encampments and developments, and reinforce local opposition to proposals for legal sites.

Gypsies and Irish Travellers need the same services as any other member of the public, but as distinct ethnic groups they have particular cultural traditions, including a tradition of nomadism, which can only be accommodated by adapting some of these services. Many Gypsies and Irish Travellers no longer travel regularly, but have held on to their cultural tradition of living in a caravan, surrounded by friends and family. As one Traveller put it, 'Even if we can't move any more, living on a site gives us the feeling that we still have our freedom and our traditions'.

The courts have recognised that travelling and living in a caravan are a reflection of Gypsies' and Irish Travellers' cultural heritage, and not simply a choice of lifestyle that can be ignored. Yet the acute shortage of authorised public sites, and difficulties getting planning permission for private sites, have meant having to set up home on land belonging to others, or on their own land, but without permission for a caravan. Many find themselves caught up in a cycle of 'enforced' nomadism, being continually moved on by local authorities and the police because of the shortage of authorised sites, and unable to settle into the life of a community.

Unauthorised encampments in unsuitable places, often without basic toilet and waste disposal facilities, are a health hazard, harmful to the wellbeing of those who live there and those in the immediate neighbourhood, as well as causing damage to the environment, and creating tensions in the community.

Already fraught relations are sometimes exacerbated by the troublesome

behaviour of a small minority of Gypsies and Irish Travellers. Unfortunately, the media tend to concentrate on these incidents, and on the problems caused by unauthorised encampments and developments, with the result that public attention remains fixed on what divides people, rather than on what unites them. Mutual misunderstandings and stereotypes abound, and the result is even more determined resistance to providing well-serviced, authorised sites that are better integrated in the community.

Gypsies and Irish Travellers also pay another price for trying to maintain their traditions and culture in spite of all these obstacles: life expectancy for men and women is ten years lower than the national average, and in 2003 less than a quarter of Gypsy children obtained five or more GCSEs at grades A*-C, compared with a national average of just over half.

The purpose of this inquiry was to explore whether local authorities, through their arrangements for planning, providing and managing sites, were promoting equal opportunities and good race relations, in line with their duty under the Race Relations Act. We also wanted to explore the role of the police, in policing sites and managing unauthorised encampments. Our findings are based on evidence from 236 local authorities, nine of whom were selected for closer study, and from over 400 other organisations and individuals, including Gypsies, Irish Travellers and other members of the public, who responded to our call for evidence. This report therefore provides a unique insight into the current situation, and the first authoritative evidence of the need for reform.

Recent changes in legislation and national policy on Gypsy sites give local authorities a new opportunity and duty to deal with the shortage of sites through the systems they use to provide housing for the rest of the public. This will not be easy, and local authorities can expect to come under intense public pressure to resist meeting their legal responsibilities. Our inquiry indicates that, unless they change the approaches they take at present, many will find it difficult to meet their new obligations. Our recommendations should help and encourage local authorities to break out of the vicious circle they are trapped in, and to identify and provide sites, as needed. The alternative – a continuous cycle of evictions estimated to cost £18 million a year – does nothing to resolve this issue nor to improve the poor health and educational standards in the Gypsy and Traveller community which should be of concern to us all. National, regional and non-statutory local organisations also have a part to play in ensuring progress in this area.

We urge all local authorities, police forces and other agencies, local, regional and national, to read this report, learn from its findings and implement its recommendations. Only then can we move towards a truly integrated Britain.

Trevor Phillips
Chair, Commission for Racial Equality

Chapter 1

Introduction

Public authorities have a duty to promote equality of opportunity and good race relations and to eliminate unlawful racial discrimination. This duty came into force in April 2001, and, together with other specific duties, such as the duty to publish a race equality scheme, should ensure that public authorities put race equality and good race relations at the heart of all their work.

Four years since it was introduced, this duty has begun to make a difference to the way in which public authorities work. However, relations between Gypsies and Irish Travellers and other members of the public continue to cause concern. Gypsies and Irish Travellers have lived in the UK for centuries, with the first authenticated record of Gypsies in England dating from 1514; yet it appears we have still not achieved integration between these communities and the rest of society. Public hostility is widespread and, in many places, Gypsies and Irish Travellers lead separate, parallel lives. This is nowhere more visible than in the 'No Traveller' signs that still appear in shops and pubs, though ruled unlawful over 15 years ago. Inflammatory media stories about unauthorised encampments and developments lead, at best, to tensions between those living on sites and in neighbouring communities, and, at worst, result in attacks on Gypsies and Irish Travellers. Anti-social behaviour by a minority of Gypsies and Irish Travellers has reinforced negative stereotypes, to the great detriment of other members of these groups.

Gypsies and Irish Travellers fare worst of any ethnic group in terms of health and education: life expectancy for men and women is 10 years lower than the national average; Gypsy and Irish Traveller mothers are 20 times more likely than mothers in the rest of the population to have experienced the death of a child (Van Cleemput *et al*, 2004); and in 2003 less than a quarter of Gypsy children obtained five GCSEs at A*-C grades, compared to a national average of just over half (Department for Education and Skills, 2005). The profound inequality underlying these statistics has serious implications, not only for Gypsies and Irish Travellers, but for the rest of society as well.

It was this dual concern about race relations and inequality that led the Commission for Racial Equality (CRE) in October 2004 to launch the inquiry on which this report is based.

1.1 The role of the CRE

The CRE was set up in 1977 under the 1976 Race Relations Act with duties to work towards the elimination of unlawful racial discrimination, to promote equality of opportunity, and to promote good relations between people from different racial groups. The term ‘racial group’ refers to groups defined by race, colour, nationality or ethnic or national origins. In 1983, in a landmark ruling in the case of *Mandla (Sewa Singh) v Dowell Lee*,¹ the House of Lords identified two essential criteria for recognising an ‘ethnic group’ (*see appendix 8*) under the Race Relations Act:

- a long shared history, of which the group is conscious as distinguishing it from other groups, and the memory of which it keeps alive; and
- a cultural tradition of its own, including family and social customs and manners, often but not necessarily associated with religious observance.

Applying this definition, the courts have held that both Romany Gypsies and Irish Travellers are ethnic groups for the purposes of the Race Relations Act.²

The CRE wants to see a just and integrated Britain, where all sections of society, including Gypsies and Irish Travellers, can live and work in harmony. An integrated society would have three characteristics:

- equality of opportunity and outcomes, in employment and services;
- equal participation for all racial groups in all aspects of public and civic life; and
- interaction between different racial groups, based on mutual understanding.

The CRE’s aim is to help eradicate the sense of ‘us’ and ‘them’ that still vitiates relations between Gypsies and Irish Travellers and the wider public.

1.2 History and culture

Gypsies are believed to have migrated from India in around AD 1000, first reaching Britain five centuries later. Irish Travellers, first recorded in Ireland in the fifth century as a nomadic group with a distinct identity, dialect and social organisation, have been living in Britain since the beginning of the 19th century. Today, these two groups differ in family size, economic activity, travelling patterns, language and certain cultural traditions. However, they also have much in common, most significantly a nomadic tradition. There is some evidence that ‘traditional’ Gypsies,

defined romantically and rather narrowly as those who travel in horse-drawn wagons, are regarded more favourably by the public than Irish Travellers; however, this image excludes the vast majority of Gypsies as well as Irish Travellers (Okeley, 1983).

Despite a tradition of nomadism, the degree to which Gypsies and Irish Travellers now travel varies. A minority still travel regularly for work and cultural reasons, for example, to attend traditional fairs, while needing a permanent place to stay between periods of travelling. The absence of authorised residential and transit sites means that many, including those who would prefer long-term residential accommodation, camp unlawfully, leading to regular ‘enforced’ nomadism. For many others, nomadism is a state of mind rather than a way of life; they rarely travel, but continue to want to live in caravans, among a community of family and friends (Niner, 2002). As one Irish Traveller we interviewed explained:

Living in a house cuts the little bit of freedom we want to keep. Even if we can’t move any more, living on a site gives us the feeling that we still have our freedom and our traditions. Living on a site also means we can live with our family, which is our tradition. I couldn’t live in a house; I would be claustrophobic.

It is estimated that between 90,000 and 120,000 Gypsies and Irish Travellers live in caravans in England, and 2,000 in Wales (Niner, 2002 and 2006, forthcoming). Up to three times as many live in conventional housing (Ivatts, 2005). The Office of the Deputy Prime Minister (ODPM) collects figures twice a year on the number of Gypsies and Irish Travellers living in caravans in England, through a spot check on two days.³ There are no comparable figures for Wales.⁴

The government recognises the significant shortage of authorised transit and permanent sites. In January 2004, the ODPM counted 5,901 caravans on public sites in England, and 4,890 on private sites. A further 1,594 caravans were placed without authorisation on land not owned by Gypsies and Travellers, and 1,977 on land owned by them, but developed without planning permission. Moreover, around half of the authorised public sites were in areas that were unsuitable for residential use, because of their proximity to motorways or major roads (26% of sites), railways (13%), rubbish tips (12%), industrial activity (8%) or sewage works (3%) (Niner,



Local authority site under flyovers in urban area.

2002). The ODPM estimates that, by 2007, between 2,500 and 4,000 extra pitches (*see appendix 8*) may be needed on residential and transit sites.⁵ Calculations based on these figures suggest that a total of 500 acres – less than one square mile – across the country would be sufficient to meet the upper end of this need.⁶

1.3 Background to the inquiry

The CRE supported the court cases that established Gypsies and Irish Travellers as racial groups. It subsequently developed this work, challenging ‘No Traveller’ signs, and helping individuals bringing complaints under the Race Relations Act. In 2004, concerned by the mounting evidence of poor race relations and inequality, it developed a broader strategy (CRE, 2004). Many of those consulted at that time, including local authority officers, Gypsies, Irish Travellers and other



members of the public, expressed concerns about the provision of sites, planning consent for private sites and the management of unauthorised encampments. Local authority officers emphasised the difficulty they experienced in balancing conflicting policy priorities, often in the face of intense political and public pressure. Gypsies and Irish Travellers, and their support groups, said they thought they were systematically disadvantaged by the policies and practices followed by local authorities and the police. Members of the public felt that planning laws were applied in a way that unfairly assisted Gypsies and Irish Travellers.

The development of the CRE’s strategy coincided with increasing government interest in these issues. In 2002, the government commissioned research on Gypsy sites in England (Niner, 2002) and, the

following year, the ODPM launched a review of legislation and policy on sites. The evidence collected, and a subsequent ODPM select committee inquiry, reinforced a growing realisation that the legal and policy framework for providing sites was ineffective (House of Commons and ODPM, 2004). In particular, the government recognised that the repeal in 1994 of the statutory duty placed on local authorities to provide sites – intended to encourage private rather than public provision – had not led to sufficient suitable sites being developed. It was also clear that the powers available for enforcement were inadequate.

The review led to substantial legislative and policy change. The ODPM's aim has been to include the provision of sites within mainstream policies on planning and housing, so that everyone's need for accommodation, including that of Gypsies and Irish Travellers, is met through the same system. At the same time, the ODPM also wants to make it possible for local authorities to stop inappropriate development.

The Housing Act 2004 gave local authorities a new statutory duty to assess the need for Gypsy and Traveller accommodation in their area. Authorities must make arrangements for Gypsy sites within a regional framework. The regional planning body, on the basis of local authorities' assessments of need, will determine how many pitches should be provided across the region, and specify in its regional spatial strategy how many pitches need to be provided in each local authority area. Local planning authorities will have to identify sites in their development plans, in line with the regional spatial strategy. Local authorities will no longer be able just to specify planning criteria for sites; they will be expected to identify land. Funding for new public sites is now available from a regional housing fund, allocated by regional housing boards in the same way as for mainstream housing. Registered social landlords can both set up and manage Gypsy sites, and obtain funding for this from the Housing Corporation.

Local authorities and the police also have a range of new enforcement powers for dealing with unauthorised encampments and developments. Section 62A of the Criminal Justice and Public Order Act 1994 (as amended) gives police forces greater power to evict people from unauthorised encampments, as long as there is a suitable local authority site to which they can be directed. The Planning and Compulsory Purchase Act 2004 gives local authorities new powers to issue temporary 'stop' notices to prevent unauthorised development, without needing an enforcement notice.

The legislative changes in planning and housing apply in England and Wales. In 2003, the National Assembly for Wales's Equality of Opportunity Committee conducted its own review of sites and services for Gypsies and Travellers (National Assembly for Wales, 2003a), as part of an audit of the Assembly's arrangements for promoting equality of opportunity. It led to a number of recommendations for the Assembly and other organisations. In 2004, the National Assembly commissioned

further research on the number and quality of sites provided.⁷

The government's new legislative and policy framework should, over time, help to tackle the shortage of legal sites in England and Wales. By meeting the need for accommodation among Gypsy and Irish Traveller families, it should significantly reduce the number of unauthorised sites and developments. However, councillors and officials implementing the new provisions are likely to experience the same barriers to developing authorised sites as they do under the present system.⁸ It is therefore important to understand the current pressures and obstacles to Gypsy sites, if the new policy framework, with its intention to 'increase significantly' the number of sites over the next three to five years (ODPM, 2006), is to be effective.

1.4 Race equality and good race relations

The new planning and housing arrangements will be made in the context of the legal framework for promoting race equality and good race relations: the Race Relations Act 1976 as amended by the Race Relations (Amendment) Act 2000 (RRA). A particular aim of the CRE's inquiry has therefore been to see what difference the RRA has made to the way in which local authorities and the police meet their responsibilities for Gypsies and Irish Travellers.

The Race Relations (Amendment) Act 2000 was the most important development in British race relations law since the introduction of the first Race Relations Act in 1965. Before 2001, when the amendments took effect, public authorities (like most other organisations) were prohibited from discriminating unlawfully on racial grounds when carrying out some, but not all, of their functions. The duty local authorities had under the original 1976 Act to promote equal opportunities and good race relations was not enforceable. Parliament, drawing on the lessons of the Stephen Lawrence case (MacPherson, 1999), decided to strengthen it, by ensuring that race equality and good race relations are built into the way all major public services are planned and provided, and by making the duty enforceable.

The amended RRA covers all the functions of all public authorities.⁹ It also gives over 40,000 listed public bodies (including local authorities, parish councils, community councils and police forces) a statutory general duty (*see appendix 8*) to 'pay due regard' to the need to eliminate unlawful racial discrimination, to promote equality of opportunity, and to promote good relations between different racial groups. The three parts of the duty are obligatory; and they are complementary, but distinct.

As legally recognised ethnic groups, Gypsies and Irish Travellers are protected by the RRA, and included in the scope of the duty to promote

race equality and good race relations. This means it is unlawful for any individual or organisation to treat Gypsies or Irish Travellers less favourably than other racial groups, or to discriminate against them indirectly. Segregation on racial grounds is also a form of direct discrimination (*see appendix 8*). The RRA covers all locally and nationally provided services, including planning (section 19A of the RRA), housing and management of housing (including Gypsy sites) (section 21 of the RRA), education (sections 17 and 18 of the RRA), and the provision of other goods and services, such as health services, to unauthorised encampments (section 20 of the RRA).

Any policy or practice aimed at people who have a nomadic way of life, whether they are protected racial groups or not, will, in practice, disproportionately affect Gypsies and Irish Travellers, who do have protection under the RRA, and will therefore have implications for race equality and race relations. This is also true for planning policy and practice in relation to ‘gipsy’ sites, where ‘gipsy’, as defined by the Caravan Sites Act 1968, refers to people who are ‘of nomadic habit of life, whatever their race or origin’.¹⁰

The CRE has published a statutory code of practice for public authorities in England and Wales on how to meet the race equality duty, as well as more detailed non-statutory guidance, including guides to monitoring, procurement and promoting good race relations (*see appendix 6*).

1.5 Human rights

Before turning to the detailed terms of reference of the inquiry, we look at recent cases brought under the Human Rights Act 1998, and cases heard in Strasbourg under the European Convention on Human Rights (ECHR), that have important implications for Gypsies and Irish Travellers living on sites.¹¹

The courts have confirmed that, for many Gypsies and Irish Travellers, living in a caravan is not a ‘lifestyle choice’ but a reflection of their social and cultural heritage, and an essential part of their ethnic identity. This is so, whether they are nomadic or settle for long periods in one place. In recognition of this, the European Court of Human Rights has ruled that, to comply with Article 8 of the European Convention on Human Rights (which protects the right to private and family life), local authorities need to take active steps, through their planning systems, to ‘facilitate the Gypsy way of life’.¹² It requires them to take health and educational needs into account before making a decision to evict. It has also been accepted that some Gypsies and Irish Travellers may have a psychological aversion to conventional ‘bricks and mortar’ housing, and that this should be taken into account when assessing applications for accommodation from homeless people.¹³

It has been made clear under human rights law that local authorities can exercise discretion about Gypsy sites. While it would continue to be unlawful to give preferential treatment to Gypsies and Irish Travellers over other racial groups in deciding what is needed to ‘facilitate the Gypsy way of life’, these and other court judgments unequivocally state that local authorities must take active steps to recognise the particular cultural needs of Gypsies and Irish Travellers, and to meet those needs as best they can. This echoes the UK’s responsibility under Article 5 of the Framework Convention for the Protection of National Minorities (Council of Europe, 1995) to ‘promote the conditions necessary for persons belonging to national minorities to maintain and develop their culture, and to preserve the essential elements of their identity’.



Traditional fair.

1.6 The inquiry

The recent changes to planning and housing law have introduced a new framework for providing sites for Gypsies and Irish Travellers. They offer the potential for building integrated and sustainable communities, with decent accommodation provided for everyone through mainstream systems. The complementary race equality framework should enable local authorities taking action in this area to do so in a way that achieves equality and better race relations.

The aim of the CRE’s inquiry, launched in October 2004, was to see how far local authorities in England and Wales were meeting the duty to promote race equality and good race relations in respect of Gypsies and Irish Travellers. In particular, it sought to assess the way local authorities were balancing the rights and responsibilities of different groups in the communities they served on the question of Gypsy sites, and how they promoted good race relations and encouraged integration.

The inquiry was restricted to England and Wales, because of the different legal and political context in Scotland.¹⁴

The terms of reference for the inquiry were to investigate the following areas:

- local authorities' planning policies on Gypsy sites, and how these policies are applied in practice; that is, to see if they are monitored, assessed for impact and consulted on, as required by the duty to promote race equality and good race relations;
- local opposition to planning applications, and to proposals for public sites, and local authorities' reactions and actions, in the light of their responsibilities to promote race equality and good race relations;
- the consideration local authorities give to promoting race equality and good race relations when providing, managing or closing down residential and transit sites;
- whether local authorities promote good relations between Gypsies and Irish Travellers and others over the question of public sites and unauthorised encampments and developments;
- the consideration local authorities give to promoting race equality and good race relations when using their powers of enforcement and eviction to deal with unauthorised encampments and developments, either themselves or through external contractors brought in to do this on their behalf;
- the consideration local authorities give to promoting race equality and good race relations when dealing with homeless Gypsies and Irish Travellers;
- the consideration that local authorities give to the interests of Gypsies and Irish Travellers in their race equality scheme as a whole, and in their arrangements for: training their staff on the Race Relations Act and the duty, and on the processes of consultation, monitoring and impact assessment; cross-departmental and partnership work; leadership; and managing performance;
- local police services' policies and practice for policing Gypsy sites and managing unauthorised encampments and in the light of the duty to promote race equality and good race relations; and
- the implications of the shortage of legal sites or suitable accommodation for health and educational services for Gypsies and Irish Travellers.

The inquiry focused on residential sites, and not transit sites, because this was highlighted by a wide range of stakeholders as being the major issue. While homelessness was included in the terms of reference, wider

housing policies and practice were not. During the course of the research, however, important points emerged concerning conventional housing. Similarly, while the research did not focus directly on essential services, such as health, education or those provided by police forces, we did explore these if they were relevant to accommodation. The implications of sites for employment opportunities was outside the scope of the inquiry, although this is an important area, which deserves specific attention.

While the inquiry focused on compliance with the duty to promote race equality and good race relations in respect of Gypsies and Irish Travellers, the findings had significance beyond these groups. The way local authorities were meeting their duties in relation to Gypsies and Irish Travellers was to an extent a litmus test for how the duty was being met more widely.

1.6.1 Methodology

The aim was to gather evidence from a wide range of individuals and organisations across England and Wales. Three approaches were therefore taken to obtain quantitative and qualitative data:

- an open call for evidence;
- a survey of all local authorities in England and Wales; and
- in-depth case studies of nine local authorities.

a. Call for evidence

On 18 October 2004, an open call for evidence was published to gather information from members of the public and interested professionals about their experience of planning policies and practices, the management of Gypsy sites, eviction, housing services and services for the homeless. The call for evidence was sent, or made available, to local authority officers, including those with direct responsibilities, such as Gypsy and Traveller liaison officers (GTLOs), and those working in Traveller Education Services (TES); councillors; Gypsies, Irish Travellers and their local support groups; other members of the public; police officers; community support groups; and racial equality councils. It was also sent to a wide range of statutory bodies, including social and health professionals. The call for evidence was produced as an audio tape as well as a printed document, and a dedicated telephone line was made available for anyone who wanted to give information orally rather than in writing.

Following the initial call for evidence, the Association of Chief Police Officers sent out a specific request to all police forces, asking them to respond. Face-to-face interviews were also subsequently conducted with a number of individuals, including staff in TES, residents in areas where

there were Gypsy sites, Gypsies and Irish Travellers (at 11 sites in England), and their support groups.

Over 400 responses were received to the call for evidence. Most came from public and voluntary organisations. We also received evidence from around 60 individual Gypsies and Irish Travellers, and about 50 other individuals (*see appendix 2*). We are grateful to everyone who responded; their evidence was invaluable in helping us to understand local pressures and constraints.

b. Survey of local authorities

An in-depth questionnaire covering relevant policies and practice was drawn up in consultation with an expert advisory committee and an independent research consultant and sent to all 410 local authorities in England and Wales. The questionnaire was divided into three parts: race equality policies and practice, provision of sites, and planning matters. It was circulated to authorities in October 2004, with the request that an appropriate officer should complete each part.¹⁵

A total of 236 local authorities (or 58%), of which nine were in Wales, completed the questionnaire.¹⁶ They included 26 city councils, 15 London boroughs, 77 borough councils, 75 district councils, 32 county councils and 11 unitary authorities. We are grateful to the authorities that responded, and to those that also sent in extra information, such as relevant policies, documents, publications, press releases, and details of local initiatives.

To help explain differences in policies and practice, we used complementary data from other official sources in our analysis, such as the level (if any) of the Equality Standard for local government at which the authority was operating (the 'BV 2a score'), and the progress made in meeting the specific duty to produce a race equality scheme ('BV 2b score').¹⁷ The ODPM figures for the number of caravans in England, showing the number of Gypsy and Traveller families living in unauthorised encampments and on public and privately-owned authorised sites in January and July 2004 (ODPM, 2005c),¹⁸ were also included in the analysis.¹⁹

The information received was checked for internal consistency before being analysed. Descriptive statistical techniques were used to generate an overview of policy and practice across local authorities as a whole. In order to explore patterns of awareness of, and compliance with, the RRA, as well as trends across different tiers of authority and within authorities, a multivariate statistical analysis was undertaken of key variables using the chi-squared test. This enabled us to identify statistically significant relationships between variables.²⁰

i. Ethnic minority populations

To set the context for our findings, we examined the ethnic minority populations in the areas covered by local authorities that responded to our survey. We found that ethnic minorities were:

- less than five per cent of the total population in 50 per cent of the areas covered;
- between five per cent and 10 per cent of the total population in 26 per cent of the areas covered;
- between 10 per cent and 50 per cent in 22 per cent of the areas covered; and
- 50 per cent or more in around two per cent of the areas covered.

This broadly reflects the spread of ethnic minority populations across all local authorities in England and Wales.

Based on the survey responses, Gypsies and Irish Travellers were resident in or passed through the vast majority (91%) of local authority areas. Of those authorities that knew the numbers living in or passing through their area:²¹

- 13 per cent described Gypsies and Irish Travellers as the largest ethnic minority group in the area;
- 36 per cent described them as the smallest ethnic minority group;
- 30 per cent described them as neither the largest nor the smallest ethnic minority group; and
- 18 per cent did not know the number of Gypsies and Irish Travellers, compared with other ethnic minority groups in the area.

c. Case studies

Between November 2004 and May 2005, detailed studies were carried out of policy and practice in nine local authorities. The authorities were selected to represent various geographical locations, demographic characteristics, and Gypsy and Irish Traveller populations (*see figure 1*), rather than to be representative of all local authorities, as in the survey. We also chose authorities that could offer an insight into the broad range of issues covered by the inquiry, that is, planning policies and practice, the provision and management of sites, management of unauthorised encampments and developments, and eviction. All the authorities selected were either district (5) or unitary (4) authorities, since these have responsibility for local planning policy, housing (including the assessment of need for housing) and homelessness. Where the authority

Figure 1. Local authority case studies

| | |
|---------------------|--|
| Case study 1 | Local authority in a predominantly urban area in south England Ethnic minority population: between 5% and 10% Gypsy and Irish Traveller population: two of the smaller ethnic minority groups ²² |
| Case study 2 | Local authority in a predominantly urban area in north-west England Ethnic minority population: less than 1% Gypsy and Irish Traveller population: largest ethnic minority groups |
| Case study 3 | Local authority in a predominantly urban area in north-west England Ethnic minority population: between 2% and 3% Gypsy and Irish Traveller population: not available |
| Case study 4 | Local authority in a predominantly rural area in east England Ethnic minority population: between 4% and 5% Gypsy and Irish Traveller population: neither smallest nor largest ethnic minority groups |
| Case study 5 | Local authority in a predominantly urban area in Greater London Ethnic minority population: between 35% and 40% Gypsy and Irish Traveller population: mainly Irish Travellers, one of the smaller ethnic minority groups |
| Case study 6 | Local authority in a predominantly rural area in east England Ethnic minority population: between 2% and 3% Gypsy and Irish Traveller population: two of the largest ethnic minority groups |
| Case study 7 | Local authority in a predominantly rural area in west England Ethnic minority population: between 2% and 3% Gypsy and Irish Traveller population: largest ethnic minority groups |
| Case study 8 | Local authority in a predominantly urban area in Wales Ethnic minority population: between 1% and 2% Gypsy and Irish Traveller population: mainly Irish Travellers, neither smallest nor largest ethnic minority group |
| Case study 9 | Local authority in a predominantly rural area in Midlands Ethnic minority population: between 1% and 2% Gypsy and Irish Traveller population: mainly Gypsies, largest ethnic minority group |

was a district council, we also visited the county council. Other relevant functions, including education and social care, are organised at this level and the county council may take responsibility for managing sites, and play an important coordinating role between districts over a wide range of issues.

We do not identify our case study authorities, in order to keep the emphasis on the issues and the approaches they have adopted, rather than on who they are. We are grateful to the councillors and officers in each authority for their extensive cooperation with this exercise, and to the other individuals who gave generously of their time to provide us with the information and insights that we needed.

In each case, relevant official documents potentially relating to Gypsies and Irish Travellers were submitted to the inquiry team (*see appendix 3*). Members of the team then visited each case study area to interview chief executives, councillors, and officers working in planning, equality, media, legal matters, housing and homelessness. The team also interviewed those whose work related to enforcement, unauthorised encampments and management of sites; the authority's Gypsy and Traveller liaison officer (if appointed); and any officers working in Traveller Education Services. Officers from the local police force, the county council (when the case study authority was a district council), and health and education services were also interviewed. A standardised interview form was used, to make sure information gathered in different areas could be compared. More detailed questions were asked in each authority about any particular local issues that emerged. We also collected information from local residents, including Gypsies and Irish Travellers, either through interviews or through the call for evidence.²³

Information obtained through the call for evidence, analysis of documents, and interviews in the case study authorities yielded useful insight into issues raised in the survey questionnaire, sometimes challenging the information provided through it.

1.6.2 **Advisory committee**

An expert advisory committee was convened to advise on the conduct of the inquiry, and on the policy options that arose from it. The committee was made up of representatives of the ODPM, the Local Government Association,²⁴ the Association of Chief Police Officers, the Audit Commission, the Royal Town Planning Institute, Shelter, the National Association of Local Councils and the National Association of Teachers of Travellers, as well as an independent specialist who gives planning advice on applications for Gypsy sites, a local authority chief executive and an independent QC. Sarah Spencer, a CRE commissioner, chaired the committee. Commissioner Charles Smith, a Romany Gypsy and chair of the Gypsy Council, played a leading role. We are grateful to the

committee members for their help throughout the exercise. The analysis in the report and its conclusions are of course the responsibility of the CRE alone.

As separate research is currently under way in Wales, discussions with the National Assembly for Wales and the Welsh Local Government Association were outside the remit of the advisory committee, but they informed all aspects of the project.

1.6.3 External working group

The CRE had convened an external working group to advise on implementing its strategy for Gypsies and Irish Travellers, following its launch in April 2004. The group is made up of Gypsies, Irish Travellers and members of specialist support groups. We consulted the group at each stage of the inquiry, and are grateful for their important contribution.

1.7 Structure of the report

This chapter has set out the context and terms of reference for the inquiry. In the following chapters we report on our findings and conclusions. Chapters 2, 3 and 8 are useful for all readers; chapters 4 to 7 cover particular policy areas.

- Chapter 2, *Leadership, strategy and practice*, examines local authorities' organisational and leadership arrangements, their ability to coordinate policies and services, and the role that councillors play in meeting the duty to promote race equality and good race relations.
- Chapter 3, *The duty to promote race equality and good race relations*, examines the extent to which local authorities take account of Gypsies' and Irish Travellers' interests and concerns in their work generally to advance racial equality, and in their specific arrangements to meet the duty to promote race equality and good race relations. It focuses on whether policies and services are designed and developed to ensure that they do not discriminate unlawfully against Gypsies and Irish Travellers, promote equality of opportunity for them, and encourage good relations between them and other members of the public.
- Chapter 4, *Public sites*, reports on good practice as well as the difficulties local authorities experience in providing services equitably. It explores the particular challenge of promoting good race relations in this context, and of consulting members of the public, including Gypsies and Travellers, about where sites should be located. This chapter also reports

on the role of the police in relation to crime and anti-social behaviour on public sites.

- Chapter 5, *Planning*, focuses on local authorities' planning policies on privately owned sites, on applications from Gypsies and Travellers for planning permission, and on enforcement measures when unauthorised developments occur on land owned by Gypsies or Irish Travellers.
- Chapter 6, *Unauthorised encampments*, examines the related but separate issue of unauthorised encampments set up by Gypsies and Irish Travellers on land they do not own, including local authorities' toleration and management of encampments, and eviction. It covers police involvement in evictions and their response to crime and anti-social behaviour associated with unauthorised encampments.
- Chapter 7, *Housing and homelessness*, examines the way local authorities provide housing and homelessness services for Gypsies and Irish Travellers, and the consideration they give to meeting the duty to promote race equality and good race relations in carrying out these functions.
- Chapter 8, *Conclusions and recommendations*, draws together and interprets the findings, highlighting good practice and identifying areas of concern. It continues with an assessment of the extent to which local authorities are meeting the duty to promote race equality and race relations in relation to Gypsies and Irish Travellers. Finally, it looks at the way forward, sets out key objectives and makes seven broad recommendations that would allow local authorities and Gypsies and Irish Travellers themselves to break out of the vicious circle of site shortages and public hostility to providing sites. The chapter concludes with key recommendations for local authorities and police forces, and also for national, regional and non-statutory local organisations that have a part to play in ensuring progress in this area.
- The appendices include a numbered list of all the recommendations made in each chapter of the report (*at appendix 1*), a list of organisations (*at appendix 7*) and a glossary (*at appendix 8*). References in the text are collected at appendix 9.

Each of the preceding chapters ends with specific recommendations for local authorities and, in some cases, for police forces, on the policy area being considered. These focus on the key issues, not on more general good practice covered elsewhere in CRE guidance (CRE, 2002a; 2002b; 2002c; 2003; 2005). Because our evidence was drawn from different tiers of local authorities in England and Wales, most of our recommendations apply to all authorities, regardless of size, location, or the number of Gypsies and Irish Travellers in their area. If the recommendations are specific to local authorities with particular functions, or to other organisations, this is made clear.

Chapter 2

Leadership, strategy and practice

2.1 Introduction

This chapter looks at leadership, strategy and practice in local authorities on the issues surrounding Gypsy sites (both authorised and unauthorised), race equality and good race relations. It also examines the arrangements that organisations have made to provide services for Gypsies and Irish Travellers, and to promote good relations between them and other groups. The chapter sets out the evidence on the following questions:

- Do local authorities give political leadership on the subjects of race equality, good race relations and council policy on Gypsy sites?
- Is responsibility for Gypsy sites and services allocated to senior managers and front-line officers?
- How are mainstream services developed and provided for Gypsies and Irish Travellers?
- Are there any organisational barriers to providing services for Gypsies and Irish Travellers that are comparable to those for other local residents; to encouraging their participation in local decision making; and to promoting good race relations?

2.1.1 Councillors and the duty to promote race equality and good race relations

Democratically elected councillors have an important role to play in encouraging integration and cohesion in local communities. The Local Government Association (LGA) recommends that political leadership should be based on a vision, developed through open discussion with all sections of the local community. This vision should feed directly into the community strategy and be threaded through all other key policies, giving a coherent strategic direction that translates statutory responsibilities into effective, locally relevant action (LGA, 2004).

The Improvement and Development Agency (IDeA) makes clear that, as community leaders, councillors play a vital role in listening to people from all racial groups in the community they serve, representing their interests and shaping local opinion on important issues (IDeA, 2004/2005). How councillors fulfil this role will affect people's ability and willingness to get involved in decision making, make sure their needs are recognised and met, and encourage them to interact with others.

As noted in chapter 1, over 40,000 public authorities, including all local authorities, now have a legal duty to work to eliminate unlawful racial discrimination, and promote equality of opportunity and good race relations (*see section 1.4*). Councillors have ultimate collective responsibility for ensuring that their authority as a whole meets this duty, which ranges across all its functions, from policy development, providing services, planning, grant making, and committee decisions to communication with the public, both directly and via the press. To fulfil this role, councillors must understand their responsibilities and give strong leadership on the importance of race equality and good race relations, both inside and outside the authority. The CRE recommends that authorities allocate overall responsibility for promoting race equality and good race relations to one particular councillor (CRE, 2005).

Councillors (and all members of staff) also have individual responsibilities for meeting the duty. This means that if, as elected representatives, they undermine the promotion of race equality and good race relations by any act or omission to act the authority as a whole could be challenged by the CRE, or by any member of the public, for failing to show 'due regard' to the duty.

The conduct of councillors in their capacity as elected representatives is also governed by the code of conduct, which all local authorities in England and Wales must now have.²⁵ Parish and community councillors' conduct is governed by an almost identical code.²⁶ The code includes obligations to 'promote equality by not discriminating unlawfully against any person',²⁷ and to heed the advice of the authority's monitoring officer on the legality of any decision.

During a local government election period, responsibility lies with the political party to take action if their candidate has acted in a racially discriminatory way.

Councillors also have responsibilities under the Race Relations Act 1976 (RRA) in their private capacity, as does any other individual. This means the CRE or any member of the public may bring legal proceedings against them for an alleged act of racial discrimination or harassment (though not for failing to promote race equality or good race relations). For example, in its formal investigation of Brymbo Community Council, the CRE examined whether a councillor had unlawfully put pressure on the council not to provide social housing for a Gypsy family, in breach of section 31 of the RRA.²⁸

2.1.2 Leadership and organisation

Research has shown the importance of strong political leadership in making progress on Gypsy sites (Crawley, 2003). Leadership by senior managers, and the way this work is organised, also makes a big difference to local authorities' ability to take a strategic approach to providing services in this area (Niner, 2002). Work on Gypsy sites, both authorised and unauthorised, involves a range of different departments. Government-commissioned research (Niner, 2002) shows that the quality of services for Gypsy sites depends on the extent to which they are mainstreamed throughout the authority, and whether responsibility for them has been allocated at a sufficiently senior and front line level. Notably, the research shows that there is no consistent pattern of departmental responsibility for this work. Instead it indicated the following points.

- Responsibility for accommodation for Gypsies and Irish Travellers was rarely linked to housing management.
- It was generally seen as 'something other', and often placed in environmental health or property services or planning.
- One-tenth of local authorities (mostly district councils) were unable to identify any section or department with overall responsibility for this area of work.
- In the minority of authorities with a specialist Gypsy and Traveller unit, there was little consistency in the departments in which they were located.

Research by the Audit Commission also shows that, while specialist units (such as diversity units) can play a useful role in day-to-day work, and in drawing up plans, equality can end up being 'bolted on' rather than embedded in all work if it is not driven from the centre (Audit Commission, 2004).

2.2 The findings

2.2.1 Leadership

a. Is a particular councillor responsible for promoting race equality and good race relations?

In our survey we asked local authorities whether they had a named or designated councillor with particular responsibility for promoting race equality and good race relations, and whether this responsibility included Gypsies and Irish Travellers. We found that:

- three-quarters of authorities (74.6%) said that a single councillor had overall responsibility for equality; and
- nearly two-thirds (64.2%) of these authorities said that this portfolio did not explicitly include Gypsies and Irish Travellers, although many pointed out in their written responses that the portfolio implicitly covered all racial groups.

While it seems reasonable not to list every ethnic group in a local authority, evidence from the case study authorities, and from the call for evidence, indicated that, unless Gypsies and Irish Travellers were included explicitly in the remit for equality, they would be overlooked. This was because councillors' responsibility was to ensure implementation of the race equality scheme (RES), which in turn focused on the groups, mainly 'visible' (non-white) ethnic minority groups, about which the authority collected data. None of the authorities had ethnic monitoring data on Gypsies and Irish Travellers, who are not visually identifiable as ethnic minorities. Further, we found, from all three methods used in the research, a widespread lack of awareness that Gypsies and Irish Travellers are ethnic groups.

In authorities where a councillor had been given responsibility for Gypsies and Irish Travellers, this responsibility did not lie in the equality portfolio, but rather in one of a range of different portfolios, depending on the particular issue at hand: for example, planning or unauthorised encampments. We found little coordination between individual councillors whose briefs covered different aspects of sites, such as planning, provision of sites and managing unauthorised encampments. As a result, contradictory approaches were sometimes taken, and mixed messages communicated publicly. We did not find any examples of a single councillor being responsible for coordinating all the work associated with Gypsy sites, including provision and management of sites, and unauthorised developments and encampments. There was also no formal link between councillors responsible for promoting equality or officers responsible for services for sites.

b. Do councillors give strong leadership on race equality, good race relations and Gypsy sites?

Progress towards race equality and integration depends not only on having a councillor with designated responsibility, but also on the kind of leadership provided. Evidence from the case study authorities showed that, when councillors demonstrated strong political leadership on the subject of race equality and good race relations, and called for regular, formal progress reports, this work was seen as important by all officers and made part of mainstream work. For example, in one authority, the councillor requested that a race equality impact assessment (REIA) accompany all reports to cabinet (*see chapter 3*). The officers in that authority now routinely consider how their policy proposals will affect race equality and race relations and councillors have the information

they need in written reports, including information about Gypsy sites, to make decisions that they can be confident will comply with the RRA.

In other authorities, councillors with designated responsibility for equality played a more nominal role, for example by occasionally attending officers' meetings to discuss work on equality, but not ensuring that the promotion of race equality and good race relations was integrated in corporate arrangements or needed any regular reporting. As a result, responsibility for promoting race equality and good race relations was not seen as an essential part of every officer's work, and progress in meeting the duty was inconsistent. In one authority, objectives set out in the RES action plan were simply 'rolled over' if they were not met within the deadline. Although the need for comprehensive ethnic monitoring systems had been identified as a priority for action nearly four years ago, the council was still in the early stages of setting one up, and the relevant councillor had not raised it as a concern.

We found that councillors in the majority of case study authorities did not fully understand what was required under the duty to promote race equality and good race relations, and were not aware of their responsibility for ensuring compliance with it on behalf of their authority. Some councillors mistakenly believed that the duty called for positive discrimination, favouring ethnic minorities (which is unlawful), and many did not appreciate the leading role they had to play in promoting good race relations, or understand what this meant in practice. Although the inquiry did not focus primarily on parish councils (community councils in Wales), this lack of understanding was particularly apparent among parish and community councillors.

You just do that [promote good race relations] by not being negative.

I don't give a toss about what the law says ... it's about harmony.

Councillor

This council doesn't need twaddle like celebrating diversity.

Leader of the council

If we had race riots here, that question would be relevant. *Councillor*

It's important that you realise we can't just tell residents that Travellers are nice people and it will be all sorted out. *Councillor*

Our research demonstrated the importance of strong local leadership on the question of providing sites. We found a few examples of councillors who had worked hard to make sure that Gypsies' and Irish Travellers' needs for accommodation and other services were met in the same way as others' needs, and who had tried to increase understanding between different groups. These individuals recognised their role as community leaders and, significantly, saw Gypsies and Irish Travellers as part of the local community. They emphasised the importance of regular,

face-to-face contact with all their constituents, so that they could listen to their concerns, understand the basis of their fears and find suitable solutions. One of them spoke of the important role that councillors played in providing accurate information, and thereby winning public support for their proposals.

It's down to councillors to promote or make people understand what is going on ... I feel there is a job to do, to educate Joe Public that there is a need to provide land for public and private sites. *Councillor*

In one area, strong leadership on equality and community cohesion had led to greater understanding of Irish Travellers' needs among all agencies, and to a focus on managing relationships between the residents of Gypsy sites and others more positively. Work had also begun, to help Irish Travellers in the local area to make their own decisions, and to tell the agencies what they needed. In other areas, councillors actively promoted good relations between Gypsies and Irish Travellers and other local residents by using public speeches and media articles to emphasise the importance of meeting everyone's needs. Support groups in some of these areas said that these efforts had helped greatly to increase public understanding about the needs of these groups, challenge public stereotypes and build confidence among Gypsies and Irish Travellers.

However, more widely, we found that local councillors did not provide strong leadership on these issues, or make Gypsies' and Irish Travellers' needs part of their work on equality and community cohesion. Our evidence suggested that councillors were probably not providing the leadership that would help their authorities as a whole to meet the duty to promote race equality and good race relations in respect of Gypsies and Irish Travellers. Many did not see these groups as constituents whose interests they had a responsibility to represent, and made no attempt to meet them to discuss their needs and concerns, as they would people from other groups. This was reinforced in part by a fear of engaging with Gypsies and Irish Travellers, and in part by the fact that they often do not register to vote, or do not exercise their voting rights.

Would I be comfortable to go to the residents' association and talk to them? Of course I would. Would I go to Irish Travellers in the middle of fields and talk to them? Of course I wouldn't. *Councillor*

People who elect councillors are residents; with Travellers, very few have, or bother to use, a vote. Our natural inclinations are to protect the rights of residents. *Leader of the council*

We found many examples of councillors who recognised that their authorities had to meet Gypsies' and Irish Travellers' needs, but encouraged officers to do so in a 'behind the scenes' way, avoiding doing anything to draw attention to proactive provision of services. This

approach included choosing to tolerate unauthorised encampments as a long-term substitute for providing sites (*see section 4.2.3.a*), and keeping a ‘watching brief’ on the need for further sites rather than asking officers to find locations (*see section 4.2.2.b*).

When you get one [an unauthorised encampment] in your ward you usually duck it ... you don’t want to inflame race relations. *Councillor*

Not only did some councillors not help their local authorities to meet Gypsies’ and Irish Travellers’ needs but some were explicit that these groups should not benefit from local services, and made every effort to make sure this happened. We found that some local leaders did not consider Gypsies and Irish Travellers, even those who had lived on residential sites for many years, to be part of their local community. One councillor was reported as saying that these groups did not fit into the ‘community cohesion agenda’, as they were, at best, temporary residents and, at worst, ‘trespassers inflicting themselves’ on ‘the local community’. In our interviews, councillors repeatedly drew distinctions between the interests of ‘our community’ or ‘local residents’, whom they would support, and ‘Travellers’. The comments some of them made showed that they shared some of the prejudices about Gypsies and Irish Travellers, without appreciating their legal responsibilities.

This district council is not about to become an Irish Traveller-friendly zone. They need to at least make some effort to abide by the same standards of behaviour. We’re not here to be taken for a ride, it’s all take, take, no give ... they want to have their cake and eat it, to have a site and all facilities, not pay tax and then drift off. Same in school, they disrupt standards and then they drift off. *Leader of the council*

We want to turn [this area] into an anti-Traveller fortress. What we’re trying to do is to prevent them coming to the town. *Councillor, quoted in the press*

In the last few weeks there have been a number of incidents of Travellers trespassing on land in and around the city. They would find [this town] less attractive if they were unable to find work. May I appeal to the people of [this town] – don’t help the Travellers, they are far too good at helping themselves. *Councillor, quoted in the press*

Of particular concern, we found evidence that some councillors might have actually been leading their authorities to discriminate. This included allegations that they had directed officers to focus on enforcement and withhold basic services from Gypsies and Irish Travellers; that some councillors had delayed or stalled officers’ attempts to provide sites for people from these groups, while taking a lead on accommodation and services for others (*see chapter 4*); and that some had

pressed for strong enforcement action against unauthorised developments and encampments, when officers and other councillors considered this a disproportionate response (*see chapters 5 and 6*). Such actions and omissions would make a council vulnerable to legal action under the RRA.

Further, some of the reports we received suggested that some councillors, through their individual acts and statements, might have put their authority at risk of being in breach of the duty to promote race equality and good race relations, particularly the duty to promote good race relations. We received reports, and some direct evidence, of councillors making statements at public meetings, and to the press, that could damage race relations. For example, they gave interviews to the press using negative language and stereotypes, and stated that Gypsies and, in particular, Irish Travellers were collectively responsible for local problems.

We also identified instances where some councillors might have breached the RRA in their private capacity. For example, we found that some councillors had joined or set up local action groups, to lobby the council not to accept applications for Gypsy sites. In many cases, parish and community councillors had played a prominent role in these groups. Some officers said that their authorities had been placed under considerable pressure by such objections, which they thought were based on prejudice. One officer said that a councillor's involvement in the local action group had greatly increased the group's influence over the council, and that they had felt they were being pressured to discriminate (contrary to section 31 of the RRA). Specialist officers and local support groups said that, even if councillors were involved in anti-site lobbying in their private capacity, the public knew who they were and assumed they were speaking for the council. This, they said, did nothing for race relations locally, or for the confidence Gypsies and Irish Travellers could place in the authority.

c. What are the barriers to strong leadership on race equality and good race relations?

The most important barrier many councillors faced was the strong views about Gypsies and Irish Travellers held by many members of the public. They emphasised the intense pressure they felt as elected representatives to resist providing sites or to take a strong line on enforcement, and the challenge they faced in balancing this against Gypsies' and Irish Travellers' needs. Some said that the behaviour of some Gypsies and Irish Travellers on unauthorised encampments and developments, combined with the absence of opportunities for more positive contact with them, made it particularly difficult for them to 'champion the cause'. We found that the councillors who spoke of these difficulties usually did not understand, or feel confident about meeting, the requirements of the duty to promote race equality and good race relations, particularly its emphasis on good relations between people from different racial groups.

This was exacerbated by the fact that there was little specific training on the duty; most training for councillors was limited to the generalities covered during their induction.

There was no great debate on the race equality scheme. Everyone is too scared to debate it. It was nodded through without debate; you daren't query anything in case you are told you are racist. *Councillor*

We found that this barrier was intensified when there was no cross-party consensus. It led to mixed messages being sent out by different councillors, and added to public confusion and misunderstanding of the issues involved, even when the council officially maintained a consistent line. Local residents said that ambiguity simply intensified local opposition.

RESIDENTS' GYPSY SITE FURY

Furious residents and politicians yesterday expressed their anger after the Government gave [XX] council £1.5 million to spend on a Traveller site ...

Tory councillor [XX, who until recently held the portfolio for Gypsy sites] condemned the decision. He said: 'It concerns me this Travellers' site was bulldozed through by Liberal Democrats and the Labour group.' He added: 'It has no support from the local residents or traders ...' But the council welcomed the news of the grant, stressing it had a 'duty' to meet the accommodation needs of Gypsies and Travellers.

Extract from a local newspaper

Residents are so anti. When I was canvassing, everywhere it was the first word when they opened the door: 'What are you doing about Gypsies?' ... You need to win over the residents. *Councillor*

Because of these difficulties, many councillors said that the statutory duty to provide public sites should be reintroduced, and not just the new requirements to include Gypsy sites in local authorities' assessments of the need for housing, and in mainstream planning (*see section 1.3*), which they thought still left too much discretion to individual local authorities. A statutory duty to provide public sites, some said, would take the political heat out of the issue, as it could be presented to the public as a legal duty rather than a political choice.

2.2.2 Strategy and practice

We drew on all three methods used in our research to examine internal arrangements for work on Gypsy sites. We also looked at different departments' responsibility for providing mainstream services for

Gypsies and Irish Travellers. We found that the explicit allocation of responsibility at departmental, strategic or operational levels had a marked effect on local authorities' ability to provide coordinated, quality services, and to promote good race relations.

a. Which department takes the lead on Gypsy sites?

Reflecting government research (Niner, 2002), we found that the choice of department for primary responsibility for Gypsy sites made a significant difference to the way services were provided, and to the promotion of good race relations. Through the call for evidence and visits to case study authorities, we identified three important relationships between departmental responsibility, provision of services and race relations.

- First, the department in which staff responsible for Gypsy sites are located influences the overall direction of work towards either enforcement or provision (though clearly this direction is set through the choice of department).

[The] council has placed their new Gypsy and Traveller liaison officer within the legal department. We will clash, as his priority is to evict. The last officer was placed in the Policy and Implementation Unit, where we had a far better relationship. *Local Gypsy and Traveller support group*

- Second, it affects the amount of mainstreaming that takes place. For example, we found that when responsibility for providing sites was located in housing services, sites were seen as a type of accommodation, whereas when the responsibility was located in environmental health, they were perceived as an enforcement matter.
- Third, we found that it sends out powerful messages to Gypsies and Irish Travellers, and the wider public, about how the authority regards these groups.

They put 'responsibility for Gypsy sites' in pest control ... it says a lot about how they see us. *Gypsy*

b. Does corporate management have overall responsibility for Gypsies and Irish Travellers?

In just over half of the local authorities (56.8%) that responded to our survey a member of the corporate management team held overall responsibility for services for Gypsies and Irish Travellers. In the remainder, reflecting wider research (Niner, 2002), responsibility was dispersed across departments or services.

We found a strong link between the corporate management team having responsibility and whether the council said it had taken proactive steps to

provide sites, to promote equality of opportunity for Gypsies and Irish Travellers in accessing services, and to encourage good race relations. In particular, it affected whether they said they had done the following:

- provided race equality training about Gypsies and Irish Travellers, and involved these groups in delivering it;
- consulted Gypsies and Irish Travellers about race equality and relations with other groups in the community;
- appointed a Gypsy and Traveller liaison officer (GTLO), or similar figure;
- included the interests of Gypsies and Irish Travellers in any 'best value' reviews since April 2001;
- taken measures since April 2001 to promote good relations between Gypsies and Irish Travellers and other groups in the community;
- formulated policies for providing and keeping public sites, and a policy for managing unauthorised encampments;
- assessed Gypsies' and Irish Travellers' need for sites since May 2002; and
- adopted a strategy for homelessness that dealt specifically with homelessness, and likely future homelessness, among these groups.

Reflecting this, the evidence from the case study authorities suggested that, when senior officers, such as directors or assistant directors, were responsible for identifying and assessing the need for Gypsy sites, there could be substantial policy developments. However, we identified two other important factors that contributed to developing sites and services for Gypsies and Irish Travellers.

The first factor was the degree of political and wider corporate support that individual officers received for their efforts to provide sites and wider services for Gypsies and Irish Travellers – or conversely the support for a policy emphasising enforcement. Some senior managers said they felt pressured by councillors – who in turn felt under pressure from their constituents – to focus on enforcement, rather than on providing sites or services. Some spoke of the personal risk faced by those who 'volunteered' to be more proactive in meeting Gypsies' and Irish Travellers' needs, without support from above.

It would be career suicide [actively to support Gypsies' and Irish Travellers' needs]. *Senior local authority officer*

It was never said, but it was definitely the reason he was overlooked for promotion. *Senior local authority officer*

Let's just say he didn't quite meet the political mark. *Senior local authority officer*

The second factor was whether the council employed front line officers with responsibility for providing services for sites. In some case study local authorities, while responsibility had been allocated at senior levels, there was no front line contact with Gypsies and Irish Travellers. This meant that, although strategies were developed, they were not informed by the needs of those who would use the services, and were therefore unlikely to meet those needs in practice. This issue is examined in more detail below.

c. Do local authorities use specialist officers?

Local authorities employ GTLOs mainly to manage public sites and unauthorised encampments, liaise with residents on Gypsy sites over the council's services, and provide support and assistance. Just under half (45.5%) of the authorities that responded to our survey employed a GTLO (or someone similar). This was in sharp contrast with the fact that over 90 per cent of authorities said they had Gypsies and Irish Travellers living in or passing through their area. Authorities with larger numbers of Gypsy and Irish Traveller families living on both authorised and unauthorised sites were more likely to employ a GTLO than others. Some district authorities did not have an officer, because the county council was responsible for this function; in some cases, they said the problem was one of resources.

The presence or absence of a dedicated officer or team working with Gypsies and Irish Travellers on sites, whether authorised or unauthorised, made a big difference to a local authority's ability to deal effectively with issues arising in connection with these groups, and to meet the duty to promote race equality and good race relations. In particular, we found that it affected whether local authorities had done all or some of the following:

- assessed Gypsies' and Irish Travellers' need for accommodation since May 2002, or planned to do so in the future;
- drawn up a policy for managing unauthorised encampments;
- considered Gypsies' and Irish Travellers' needs when drawing up their strategy for homelessness;
- taken steps to promote equal opportunities for Gypsies and Irish Travellers in their plans for meeting these groups' needs for accommodation on sites;
- taken steps to promote good relations between Gypsies and Irish Travellers and others in the community since April 2001;

- made specific reference to Gypsies and Irish Travellers in their RES;
- monitored the effects of their policies on these groups;
- consulted on their policies, specifically with Gypsies and Irish Travellers; and
- used a variety of methods to keep Gypsies and Irish Travellers informed about their services.

Evidence from the other parts of our research supported these findings, and highlighted other issues. None of the case study district councils had dedicated GTLOs. As a result, the only meaningful front line contact had taken place in the context of unauthorised encampments and developments, with the focus on enforcement rather than on providing services. There was little or no consultation, specific training or work to promote good race relations in relation to Gypsy sites. We found from the case study authorities and the call for evidence that, in local authorities without a GTLO, services for Gypsies and Irish Travellers were often contracted out, perpetuating the lack of any direct contact between officers and these groups. This was significant, because district councils are responsible for assessing the need for housing (including the need for housing on Gypsy sites), for preparing statements of community involvement (*see appendix 8*), and for finding locations for sites when a need has been identified (*see chapter 4*).

Our evidence showed that, even though there was little contact between front line officers in some district councils and local Gypsies and Irish Travellers, in many cases, GTLOs in neighbouring county councils had built long-term relationships with these groups, and communicated regularly about aspects of the services. In some cases, district councils involved these GTLOs in policy development, drawing on their local knowledge. However, we found several cases where policies had been developed without any Gypsies or Irish Travellers having been involved, directly or indirectly. Some GTLOs said that this was a waste of resources, as the district council's policies would not meet local needs.

We also found that, in certain district or unitary authorities which had introduced operational responsibility for Gypsies and Irish Travellers, and where front line officers were in regular contact with the local community, there was either no corporate responsibility for Gypsies and Irish Travellers or little connection between the operational and strategic levels. In councils where responsibility had not been allocated to a senior manager, many GTLOs said they felt isolated and that they tried to respond to requests for help on a day-to-day basis; but we found that the work was often ad hoc and reactive, lacking strategic focus.

However, even when there was senior or corporate responsibility for Gypsies and Irish Travellers, we found little connection between the strategic and operational levels, and GTLOs received little management

as a result. Some GTLOs told us this gave them a freedom they would not otherwise have in deciding which services to provide, and how. Sometimes, GTLOs decided to provide essential services, such as rubbish collection and other facilities, covertly to unauthorised encampments, although some said they thought senior officers knew they were doing this, but chose to ignore the fact that it was against the council's formal policy. In a few cases, GTLOs said that senior staff implicitly encouraged informal provision as a politically expedient way of providing essential services without attracting criticism from the public. However, while this appeared to have solved the problem of providing services in the short term, it also led to conflicts with officers responsible for enforcement, and, ultimately, to inefficient use of resources.

Some GTLOs also said they had not been consulted about, or informed of, important decisions on sites, even though they could have contributed useful local knowledge to inform those decisions. In one case, for example, senior council officers had identified a number of possible sites, and had spent considerable time visiting them. The GTLO was invited to visit the sites, but not to any of the preliminary discussions that led to their selection. None were suitable in practice, and the GTLO thought the entire process had been a waste of resources.

I could have told them they [the proposed locations] were totally unsuitable from the start, it was obvious ... some were in the middle of built-up residential areas, overlooked by flats. It could never have worked. *GTLO*

Although the work of other specialist officers was largely outside the scope of the inquiry, we found that those working in health, social services and Traveller Education Services (TES) also played an important role in providing services for Gypsies and Irish Travellers. The vast majority of good practice examples provided related to work done by these officers and GTLOs. We found that TES were particularly important, for three main reasons.

- First, they were widely trusted by Gypsies and Irish Travellers; many said that this was because they did not play any part in enforcement and eviction, and provided an important service, namely, educating their children.
- Second, unlike GTLOs, TES worked with Gypsies and Irish Travellers who lived in all types of accommodation, including conventional housing, and, so, understood their needs.
- Third, TES officers generally had better practical understanding of the duty to promote race equality and good race relations than other officers, including some GTLOs; they knew how to collect ethnic monitoring information from Gypsies and Irish Travellers, and were able to overcome

their reluctance to cooperate. This was because primary and secondary schools are the only public authorities required by central government to collect this data.

Importantly, we found that, while TES held data about local Gypsies and Irish Travellers, and were in regular contact with them, often with longstanding relationships developed over many years, many local authorities did not try to use this information (in line with the Data Protection Act 1998), or to consult TES officers when designing and providing services. This was despite the fact that they said the absence of data and local support groups prevented them from consulting, monitoring and adapting services to meet Gypsies' and Irish Travellers' needs. Some of the authorities that said they had difficulty communicating with local groups had not considered how they could build on and learn from TES, while TES, in turn, expressed frustration that they were unable to share their experience, and that departments were 'reinventing the wheel', unnecessarily. Yet, some TES, like GTLOs, welcomed the freedom this gave them to provide services for Gypsies and Irish Travellers, for example, to those on unauthorised encampments, without drawing the encampment to the attention of enforcement officers, who would evict without following agreed policy (*see also section 6.5*). Again, while these tactics had short-term benefits, they indicated inefficient use of resources.

d. Do specialist officers face any barriers?

GTLOs and other specialist officers faced three main barriers in providing services effectively to Gypsies and Irish Travellers – and giving the corporate management team specific responsibility for Gypsies and Irish Travellers did not appear to make a difference.

The first barrier was due to scarce resources. GTLOs often did a great deal of unsupported work outside their formal remit, to make sure general information about the council and its services met Gypsies' and Irish Travellers' needs. Similarly, the work of TES teams often went beyond their formal remit of facilitating access to education, to include 'cultural awareness' training for council staff in different departments; providing information and advice to residents of Gypsy sites about the full range of council services; and helping Gypsies and Irish Travellers to use council services and make complaints, if necessary. The lack of resources made it difficult for these officers to provide this help in a consistent or reliable way.

Second, there was evidence that some specialist officers felt constrained by the views of other officers and councillors, and by the authority's policies, and did some of their work 'behind the scenes'. While there may have been benefits in a low-profile approach in some cases, a number of specialist officers said they felt they were under pressure to work covertly, and not to give the advice they would wish to (often based on years of

experience), because of the public backlash anticipated if the authority were seen to be making positive efforts to promote the interests of Gypsies and Irish Travellers.

You have to be really careful about toeing the line. You can't say what you think is the right thing to say in many situations, because of comments that have been made about your role as a council employee and what would happen if you cross that line. *TES officer*

Third, some officers reported being marginalised or even targeted by staff in the authority, and verbally and physically abused by local people, because of their work with Gypsies and Irish Travellers, and that they rarely received any support or protection from the local authority.

They [other staff members] came at me like stinging wasps. They said things like, 'I don't know why you work with these people.' *GTLO*

At the public meeting they were very aggressive ... I was personally threatened. It was very intimidating indeed. ... After another public meeting an officer came out to find her car smeared with dog mess. *GTLO*

Someone tried to drive a colleague off the road following a meeting about a proposed site ... I have to make sure I park under bright lights. I usually take a diversion home ... I don't want people [local residents] following me. *GTLO*

e. Do local authorities provide mainstream services for Gypsies and Irish Travellers?

Gypsies and Irish Travellers, whether they live on sites or in conventional housing (Niner, 2002), need services, such as early years education, libraries and support for the elderly, like anyone else. Local authority departments are responsible for providing services for everyone in the community they serve. The same should be true of services for Gypsies and Irish Travellers, supplemented by support and advice from specialist officers.

We found that GTLOs and TES usually provided specific services to Gypsies and Irish Travellers living on sites, and helped them to use mainstream services. Many GTLOs were in regular contact with staff across the authority on a range of different issues and liaised with them effectively. However, many GTLOs, as well as other specialist staff, were concerned that departments did not take responsibility for Gypsies and Irish Travellers, and that their own work was a replacement for, rather than a supplement to, other services.

Whenever something has the word 'Traveller' on it, it lands on my desk.
'It's your job ... sort it out.' *GTLO*

The lack of mainstreaming was illustrated by the very different ways in which services were developed for other groups. For example, in many of the case study local authorities, changes to services, such as leisure services, were informed by surveys of users' satisfaction, and consultations with them. However, in the case of Gypsies and Irish Travellers, it was GTLOs and TES who were frequently consulted, instead of Gypsies and Irish Travellers themselves. Specialist officers did not usually have formal responsibility for working with Gypsies and Irish Travellers living in conventional housing, although they might do so on a discretionary basis. We found that the needs of this section of the community were completely overlooked.

We found several examples where GTLOs had been called on to help resolve problems that could have been avoided had mainstream service providers been aware of Gypsies' and Irish Travellers' needs. This was particularly apparent in homelessness services (*see section 7.2.2*). This meant that simple problems mushroomed into complex ones before they were resolved. While GTLOs had an important role to play in advising and assisting council officers, this was clearly not an effective substitute for equipping other front line council staff to provide services for Gypsies and Irish Travellers directly, and was a waste of resources.

The failure of mainstream departments to meet Gypsies' and Irish Travellers' needs seemed to be due to two main factors. First, many officers associated Gypsies and Irish Travellers solely with sites, and were unaware that many might be living in conventional housing, and have the same needs for services as anyone else. This was reflected by the fact that, in the vast majority of documents submitted with the questionnaires, Gypsies and Irish Travellers were omitted from the 'ethnic minority' section of strategies, and mentioned, if at all, solely in relation to sites. Second, some officers said one of the reasons they did not feel confident about dealing directly with Gypsies and Irish Travellers, as service users, was that they had not received training about their needs.

Many TES responding to the call for evidence, and officers in the case study authorities, reported similar problems in facilitating access to mainstream education services for Gypsy and Irish Traveller pupils, particularly those who were highly mobile. Although some schools had adopted an inclusive approach and welcomed Gypsy and Irish Traveller children, many TES reported examples of schools refusing admission. TES also complained of lack of 'ownership' in some schools toward Gypsy and Irish Traveller pupils, again particularly those from highly mobile families. However, the remit of the inquiry did not extend to schools, so we did not have evidence from teachers to explore this further.

Figure 2. Local authority approaches to Gypsies and Irish Travellers

| | <i>Approach</i> | <i>Issues</i> | <i>Implications</i> |
|---|---|--|--|
| Model 1 Specialist operational support | <ul style="list-style-type: none"> ■ The authority has dedicated officers providing front line services for Gypsies and Irish Travellers. These tend to be a GTLO, a site manager or managers, a TES, and, possibly in the local primary care trust, specialist health workers. The GTLO is responsible for consulting residents of sites on day-to-day arrangements and management of the site. In two-tier authorities, the county council generally provides this specialist support. | <ul style="list-style-type: none"> ■ Specialist officers working with Gypsies and Irish Travellers often receive nominal line management, and approach their line managers only in cases of real difficulty, or where approval is needed, for example, for expenditure. ■ These officers often have no role in policy development, and may not be consulted about, or informed of, policies for Gypsies and Irish Travellers. ■ Specialist officers in county councils may be even further removed from policy development. | <ul style="list-style-type: none"> ■ Can be associated with lack of strategic direction or coordination, and failure to consider the ways in which the duty to promote race equality and good race relations is relevant to Gypsies and Irish Travellers. ■ Contact with front line staff providing services and support to Gypsies and Irish Travellers is likely to be ad hoc and reactive, and to be made only when a problem has to be resolved. Contact between the GTLO and equality staff is likely to be rare. ■ In the absence of formal reporting mechanisms, services for Gypsies and Irish Travellers may not be tied to wider strategic goals and corporate structure, and the needs of these groups will not in turn inform policy development. |

Model 2 Strategic direction

- The authority has officers working at a strategic or middle-management level on issues concerning Gypsies and Irish Travellers in the area, but no front line officers responsible for consultation, monitoring policies or providing services and support. In some cases, front line work may take place at county level, but the district council does not share information or resources.
- Because a range of different officers deal with issues as they arise, there may be no officer with sufficient understanding of the full spectrum of concerns among Gypsies and Irish Travellers.
- There is often little, if any, consultation with local Gypsies and Irish Travellers, and neither they nor local service providers influence policy making.
- Where there is contact, it is likely to be through a consultant or national Gypsy or Irish Traveller representative organisation.
- In the absence of direct contact with Gypsies and Irish Travellers, local authorities cannot carry out genuine consultation, REIAs or ethnic monitoring, and use the information to identify services.
- The failure to recognise Gypsies' and Irish Travellers' need for services leads to unsuitable services, poor service outcomes and inefficient and ineffective use of resources.

Model 3 Mainstreamed responsibility

- The authority has dedicated officers at the operational level; a senior officer takes overall strategic responsibility, and a councillor takes the lead.
- Although this is the ideal approach, work can become disproportionately focused on enforcement strategies and action against unauthorised encampments and developments. Provision of sites may be considered, but only as a by-product of the enforcement agenda or in vague ways that are not readily translated into action.
- Authorities can carry out genuine consultation, REIAs and ethnic monitoring, and use their findings to inform policy development and ensure that services meet real needs.
- Unless a link is made between enforcement and provision, the work overall may fail to promote equal access to services, and good race relations.

Some schools are always saying ‘*your children*’, they phone us up and say ‘sort out *your children*’. In one primary school a young Traveller girl fell over on the school field and got covered in dog mess. She was hysterical. Instead of doing anything to help her, the school staff called us and said ‘one of your children needs support.’ We came and found her crying on her own. *TES officer*

One head teacher contacted a local councillor and said they couldn’t have Traveller children because they would be too much of a drain upon the school. *TES officer*

Significantly, we found that Gypsies and Irish Travellers were not included in the councils’ overall efforts to meet the duty to promote race equality and good race relations. There was strong evidence that initiatives to promote good relations between Gypsies and Irish Travellers and others depended on the efforts of a few individuals and were not part of a wider corporate approach to meeting the duty or promoting community cohesion. In one local authority, its communications team’s posters and publications to foster understanding between different groups had not so far included Gypsies and Irish Travellers. The GTLO reported that the Traveller unit was now trying, with very few resources, to design and produce posters about Gypsy culture.

We found that local authorities were quick to recognise the work of GTLOs and TES when they were trying to demonstrate good practice at times of inspection, but did not give them formal responsibility for this work, or the corporate support or resources to do it systematically. As this work was usually discretionary, it could vary considerably from one authority to another. Moreover, when individual staff members left or were replaced, there was no certainty that the work would continue.

So much depends on committed individuals. If we didn’t do it, things just wouldn’t happen for Travellers. *TES officer*

We found that Gypsies’ and Irish Travellers’ concerns were often marginalised or not considered at all through the council’s infrastructure for promoting race equality, such as race forums or equality groups. In most of the case study authorities, no one in these forums or groups understood the particular issues facing Gypsies and Irish Travellers, or even that they constituted ethnic groups, and were therefore within the remit of the forum. This problem was exacerbated by a lack of genuine consultation and engagement with external groups and organisations working with Gypsies and Irish Travellers.

They [council officers on the internal consultation group] knew absolutely nothing ... a council officer said to me, ‘I thought that Travellers were people like travelling salesmen.’ *TES officer*

f. What organisational approaches are taken to meet Gypsies' and Irish Travellers' needs?

In essence, we found that most local authorities used one of three organisational approaches to their work for Gypsies and Irish Travellers.

- They used designated front line officers with specialist understanding of Gypsies' and Irish Travellers' concerns, but provided little corporate leadership.
- They designated responsibility at the strategic level, but had no involvement with Gypsies and Irish Travellers at the operational level.
- They designated responsibility at both the operational and strategic levels.

Our evidence suggested that the model adopted by local authorities made a considerable difference to their ability to provide services efficiently to Gypsies and Irish Travellers.

Model 1. With specialist support at the operational level, the specific services Gypsies and Irish Travellers need are more likely to be provided in the short term, but there are two main risks. First, responsibility for providing these services may be confined to specialist officers rather than being shared with front line staff providing mainstream services. Second, specialist officers may be isolated from the workings of the council and unable to influence policy development. This undermines the possibility of a long-term strategic approach to providing services according to need, and leads to inefficient use of resources.

Model 2. Responsibility here rests at a senior level and, provided there is strong political leadership, there may be notable improvements at the strategic level. However, without front line engagement with Gypsies and Irish Travellers, policies cannot be developed in ways that take account of their needs, making it unlikely that services will meet their needs in practice.

Model 3. The authority assumes both operational and strategic responsibility. This is the ideal approach, enabling authorities to take a long-term strategic approach, developing policy in consultation with local people and providing effective and suitable services. However, this potential can be undermined by a disproportionate focus on enforcement, or by a disjuncture between enforcement and provision of sites and services.

In the case of two-tier local authorities,²⁹ the division of functions between county and district councils raises particular issues for each of the three models. In two-tier authorities, education and social services (including TES and any specialist social workers) are located in the county council, as are, generally, GTLOs; district councils are responsible

for local planning policy, housing (including assessments of need for accommodation) and homelessness, all policy areas highly relevant to Gypsies and Irish Travellers. In essence, the division of functions generally means that county council staff focus primarily on welfare, and district staff on regulation and enforcement.

Model 1. Specialist officers in county councils who have direct positive involvement with Gypsies and Irish Travellers may have little contact with front line service officers in the district, whose enforcement work has a huge effect on these groups. Further, county council specialist officers may have little contact with those developing policy in the district, with the result that their local knowledge cannot shape policy on highly relevant areas such as assessment of need, planning and housing.

Model 2. The county council, being the larger and better-resourced tier, may play the leading strategic role in relation to Gypsies and Irish Travellers, for example, by coordinating assessment of need or finding possible locations for sites. Alternatively, districts may adopt different approaches in relevant policy areas, leading to a greater likelihood of disjuncture between operational and strategic responsibilities, with the district developing policy, while specialist officers work at county level. While district councils are clearly within their rights to take different policy approaches, there are distinct benefits to agreeing a coherent agenda. Unless there is effective coordination between counties and districts, the services they provide may well fail to meet Gypsies' and Irish Travellers' needs.

Model 3. The two-tier system creates both opportunities and risks. If the county council has responsible officers at both strategic and operational levels, policy development can be streamlined and targeted. We found several cases where a county council played a leading role in policy on Gypsies and Irish Travellers, in a process informed by specialist officers at the county council. However, we also found a greater risk of tension in two-tier authorities between an approach focused on providing accommodation and meeting other needs and one focused on enforcement. Consistent strategic direction across districts was less likely, and this could undermine action to promote good race relations. For example, an enforcement-centred strategic approach by an individual district may undermine a more provision-focused, county-wide approach. Furthermore, it may lead to confusion about the overall aims of local authorities in the county.

2.3 Summary and conclusions

Strong local leadership at political and officer level is vital for making progress in providing sites and wider services for Gypsies and Irish Travellers, and for meeting the duty to promote race equality and good race relations. The way responsibility is allocated in local authorities for work related to Gypsies and Irish Travellers will determine the efficiency and quality of the services they provide. This affects all communities, and relations between them.

While some local authorities in our survey demonstrated strong leadership, this was all too often absent. At the political level, some councillors led strongly on enforcement, directing resources away from services; in other cases, the lack of coherent leadership on providing sites and enforcement undermined strategic direction. In general, councillors preferred to avoid public criticism by taking a low-profile or wholly reactive approach, and looking to central government for guidance. Leadership at officer level was similarly inconsistent, in line with the approach taken by councillors, and the overall corporate direction of services for Gypsies and Irish Travellers.

Some local authorities followed an optimal model, allocating responsibility at strategic and grass roots levels, with clear links between the two. This meant front line officers engaged directly with Gypsies and Irish Travellers and this in turn shaped strategic development, leading to a balance between enforcement and provision of sites and services. However, in many cases where responsibility was allocated at corporate level, the absence of front line engagement undermined the local authority's ability to shape policy to needs.

Alternatively, there was operational contact, but in the absence of wider corporate support and strategic direction, interventions were ad hoc and reactive. Further, in many cases, front line services for Gypsy sites were not provided systematically, meaning that important information might not be shared, or approaches taken that might directly contradict one another. This was wasteful of resources.

Mainstream departments failed to take account of Gypsies' and Irish Travellers' needs and adapt their services accordingly, relying instead on specialist officers, who had responsibility only for those living on sites. This in effect amounted to providing segregated services. Gypsies and Irish Travellers were not generally included in authorities' work to promote race equality or in the infrastructure they set up to carry out this work, and their efforts to promote good race relations were ad hoc, relying on the discretion and capacity of individual officers.

2.4 Recommendations

We recommend the following as specific measures for the organisations listed below. A list of all recommendations in the report can be found at appendix 1.

Local authorities should:

- Develop a holistic corporate vision for all work on Gypsies and Irish Travellers, and anchor it within the community strategy, the local development framework and any other relevant strategy, including the race equality scheme.
- Review all policies on accommodation for Gypsies and Irish Travellers, to ensure a long-term, coordinated and strategic approach that promotes race equality and good race relations. This should include policy on planning and providing sites, managing authorised and unauthorised encampments and conventional housing, and be supported by data collection and consultation with local communities. Strategy on accommodation should be linked to wider service areas, such as health and education, and linked to a communications strategy.
- Review which department should have primary responsibility for sites and related services; make sure corporate arrangements give the same attention to sites as to other types of accommodation; and facilitate links with other relevant departments. Make sure the choice of department does not send out negative messages to the public about how the local authority sees this work (that is, as part of its responsibility for providing accommodation, rather than dealing with anti-social behaviour).
- Designate a councillor at cabinet (or equivalent) level, and an officer at no less than assistant director level, to coordinate the authority's work on sites (authorised and unauthorised), to make sure it is consistent across departments, and is linked to its work on equality.
- Develop a robust performance management framework for all aspects of services for Gypsy sites, within a wider accommodation framework, including providing and managing sites, and managing unauthorised encampments. Include these functions in internal reviews of services.
- Require monitoring officers to advise all councillors of the authority's statutory duty to promote race equality and good race relations.
- Consider on an ongoing basis whether decisions, actions or omissions by officers, councillors and committees affecting Gypsies and Irish Travellers meet the duty to promote race equality and good race relations.
- Emphasise that the code of conduct for councillors applies to their work in relation to all racial groups, including Gypsies and Irish Travellers, and make sure that any actual or potential breaches of the code reported by

the authority's monitoring officer are fully investigated by the standards committee, or another appropriate formal mechanism.

The Improvement and Development Agency should:

- Develop, within existing modules of its leadership academy programme for councillors, a specific strand on political leadership, achieving cross-party consensus, and engaging with local communities in the context of Gypsy sites.
- Develop job-specific training for local government officers on Gypsies' and Irish Travellers' interests and needs, including an understanding of how the duty to promote race equality and good race relations applies to these groups.

Voluntary organisations working with Gypsies and Irish Travellers should:

- Encourage Gypsies and Irish Travellers to register to vote, and to exercise their voting rights.

Chapter 3

The duty to promote race equality and good race relations

3.1 Introduction

This chapter looks at the way local authorities are discharging the duty to promote race equality and good race relations in respect of Gypsies and Irish Travellers. We consider the race equality schemes (RESs) they have drawn up and the arrangements they have set out in them. We evaluate overall compliance with the duty in chapter 8, drawing on the evidence presented here and in subsequent chapters.

This chapter describes our findings on the following questions:

- Are issues relating to Gypsies and Irish Travellers part of local authorities' work on racial equality in general?
- Are these groups meaningfully included in local authorities' RESs? Are policies and services relevant to Gypsies and Irish Travellers included in the authorities' list of policies and services that are relevant to race equality, and in the individual processes required by an RES – assessment and consultation on the effects that proposed policies are likely to have on different racial groups; monitoring; training; and information about the authority and its services?
- Do local authorities consider ways of promoting good relations between Gypsies and Irish Travellers and other groups when developing their policies and services?

3.1.1 The general duty

As noted in chapter 1, the Race Relations Act 1976 (RRA) gives listed public authorities a three-part statutory general duty (*see appendix 8*) to 'pay due regard to the need to eliminate unlawful discrimination; and to promote equality of opportunity and good race relations between persons of

different racial groups'. Both local authorities and police forces are covered by this duty, as are parish councils (and community councils in Wales).

Each of the three parts of the general duty carries separate responsibilities. These are not defined in the RRA or statutory guidance, but have been taken to mean the following.

- *Eliminating unlawful racial discrimination* involves not only responding to complaints of discrimination as they arise but actively analysing data to check whether policies are having unintended discriminatory effects; taking steps to revise them, if necessary; and creating an organisational culture where people feel confident about reporting discrimination.
- *Promoting equality of opportunity* means taking active steps to meet different needs, such as adapting services and the way they are provided, so that everyone has access to them and can contribute to their development. It can include taking positive action steps to improve access to education, training or welfare.³⁰ Equality of opportunity does not always mean treating everyone the same; this is because people's circumstances are not necessarily the same. Moreover, treating everyone in the same way could lead to unlawful indirect discrimination, for example when an apparently race-neutral policy has negative consequences for a particular racial group (or groups).
- *Promoting good race relations* means that public authorities, in fulfilling their functions (in planning, housing, education or other services), should consider how they might best contribute to social integration in the communities they serve, and avoid segregation and isolation. This could include defusing racial tensions and hostility, promoting the benefits of equal rights and opportunities for all, building understanding through interaction, and challenging public misconceptions and prejudices.

The three parts of the general duty are complementary. This means that, in carrying out their functions, public authorities must meet all three parts, although one part may be more important than the others in relation to a particular function.

All local authorities are bound by the general duty, irrespective of their resources or the size of their ethnic minority populations. The concept of 'due regard' recognises that local circumstances vary, and that a proportionate response will differ from place to place. However, authorities will need to adopt a 'needs, not numbers' approach if they are to be confident of meeting the duty. Research shows that people from ethnic minorities living in rural areas may feel particularly marginalised and vulnerable (Dialog, 2003).

Implemented effectively, the duty to promote race equality and good race relations will bring considerable benefits to public authorities, as well as to the communities they serve. Ensuring that services meet the needs of

all groups means more efficient and effective services, and this means better value for money. Improving services for marginalised groups contributes to integration and engagement in the wider community, which in turn can lead to greater understanding between people from different groups, better race relations and stronger communities. Conversely, there are significant financial and social costs associated with failing to work for integrated communities.

3.1.2 The specific duties

The Home Secretary issued ‘specific duties’ for certain listed public authorities, including local authorities and police forces (but not parish and community councils), to make sure they had the systems and processes that would allow them to meet the general duty. The relevant specific duty we examine in this report is the duty to publish an RES,³¹ which came into force in May 2002.

An RES amounts to an action plan for promoting race equality and good race relations across the authority’s functions. The RES should make clear how the plan ties in with the authority’s corporate objectives, and should include, as a list, any function or policy that is relevant to promoting race equality and good race relations. The list will include functions that affect all racial groups, such as housing or education, and those that almost exclusively affect a particular group or groups, such as managing unauthorised encampments. The RES must also set out the authority’s arrangements for:

- assessing and consulting on the likely effects of proposed policies on the promotion of race equality and race relations;
- monitoring policies for any adverse impact on the promotion of race equality and good race relations;
- publishing the results of these assessments and consultations;
- ensuring public access to information about the authority and the services it provides; and
- training staff on the duty to promote race equality and good race relations (CRE, 2002a, 2005).

3.1.3 Gypsies and Irish Travellers and the duty to promote race equality and good race relations

Local authorities must meet the general duty and the specific duties in respect of all racial groups, including Gypsies and Irish Travellers. This

means they must make sure these groups are not directly or indirectly discriminated against (*see appendix 8*); that the authority's services meet a particular group's needs to the same extent that they do those of others, and, if necessary, are adapted to do so; and that their own actions promote good relations between different racial groups. To be sure that Gypsies and Irish Travellers are able to make use of the authority's services, these may need to be tailored to their cultural needs and circumstances, some of which (such as living in caravans) will be unique to them, while others (such as large and extended families or low literacy levels) will be common to several groups. The RES may therefore need to explain how the authority's arrangements for consultation and access to information will take account of low literacy levels.

As a starting point for putting the RES into effect, local authorities will need information about their populations, broken down by racial group. The CRE recommends the ethnic categories used in the 2001 census, although other categories may be added if more detailed information is needed on groups in certain areas (CRE, 2002c). As the census does not use specific categories for Gypsies or Irish Travellers, local authorities should add categories for these groups under the sub-heading of 'White Other' (*see appendix 5*).

3.2 The findings

3.2.1 Progress in meeting the duty

Echoing earlier CRE research (Schneider-Ross and CRE, 2003), we found that some authorities had made more progress than others. Those with larger ethnic minority populations, predominantly in urban areas, were more likely to have taken steps to meet the duty to promote race equality and good race relations (as measured by performance indicator BV2b³²). This has implications for Gypsies and Irish Travellers living in caravans who are likely to be concentrated in rural areas (Niner, 2002), where authorities have made least progress.

We did find a few examples of smaller, predominantly rural authorities that had taken active steps to meet the duty to promote race equality and good race relations and had included Gypsies and Irish Travellers in this work. One authority with an ethnic minority population of less than five per cent had recruited and trained new staff to carry out race equality impact assessments (*see section 3.2.4*) of proposed policies. However, more generally, rural authorities had done less to meet the duty, and significantly less to promote good race relations. Councillors did not appear to understand the importance of promoting good race relations with some sensitivity, or know that they were responsible for it (*see chapter 2*).

The CRE thinks we should be proactive, but this is the countryside – you don't force people – you let them do things in their own time. The pace of life is much slower than the city. It's about tolerance and living together. *Councillor*

You will get a racist backlash if you put it in their face. *Councillor*

We also found that these rural authorities were not including Gypsies and Irish Travellers in any work they were doing to promote race equality and good race relations, even when they were the largest ethnic minority group in their area. This was largely because they associated ethnic minorities with non-white groups.

We don't get many ethnic minorities here. There aren't many places you can get halal meat or many mosques in the area. So they tend to live in [the city]. *Local authority officer in area with large Gypsy and Irish Traveller population*

Significantly, even in authorities where more was being done to promote race equality and good race relations, Gypsies and Irish Travellers tended to be forgotten. For example, one urban local authority with a very diverse population had good systems for identifying and providing the services that different groups needed, but Gypsies and Irish Travellers were overlooked, because authorities had little data on them (compared with other groups), and because there were no local support groups to press for their interests (as there were for other groups).

3.2.2 The race equality scheme (RES)

In our survey we asked local authorities whether they had an RES,³³ whether Gypsies and Irish Travellers were explicitly mentioned, whether they had identified functions relating to these groups as being relevant to race equality and race relations, and what their arrangements were for implementing the duty. We also analysed the content of RESs, through the examples many authorities had sent in with their completed questionnaires, and used the evidence from all three approaches to our research to examine the arrangements they had made to implement the scheme.

a. Does the RES specifically include Gypsies and Irish Travellers?

Our survey showed that almost all the authorities (99.1%) had published an RES, and that over 90 per cent of authorities said that Gypsies and Irish Travellers lived in or passed through their areas (*see section 1.6.2*). Yet, only 28.6 per cent specifically mentioned these groups in their RES, with

authorities scoring better on the BV2b indicator (*see appendix 4*), and those that had a Gypsy and Traveller liaison officer (GTLO), more likely to do so.

Some local authorities had tried to build issues relevant to Gypsies and Irish Travellers into their RES in a meaningful way. For example, one authority, recognising that these groups made up almost half of the local ethnic minority population, set up a multi-agency group, which included local communities and relevant internal departments, to consider Gypsies' and Irish Travellers' needs for services, and race relations issues. The leader of the council took personal responsibility for producing a report, which was unanimously endorsed by the cabinet. A strategy for the next three to five years is to be incorporated in the authority's forward plan, and linked to the RES.

Sadly, this example of good practice was not typical. We found several other examples of RESs that mentioned Gypsies and Irish Travellers – one council had recently added the words 'and gypsy/traveller' (sic) throughout the RES – but had failed to include these groups in race equality work in practice.

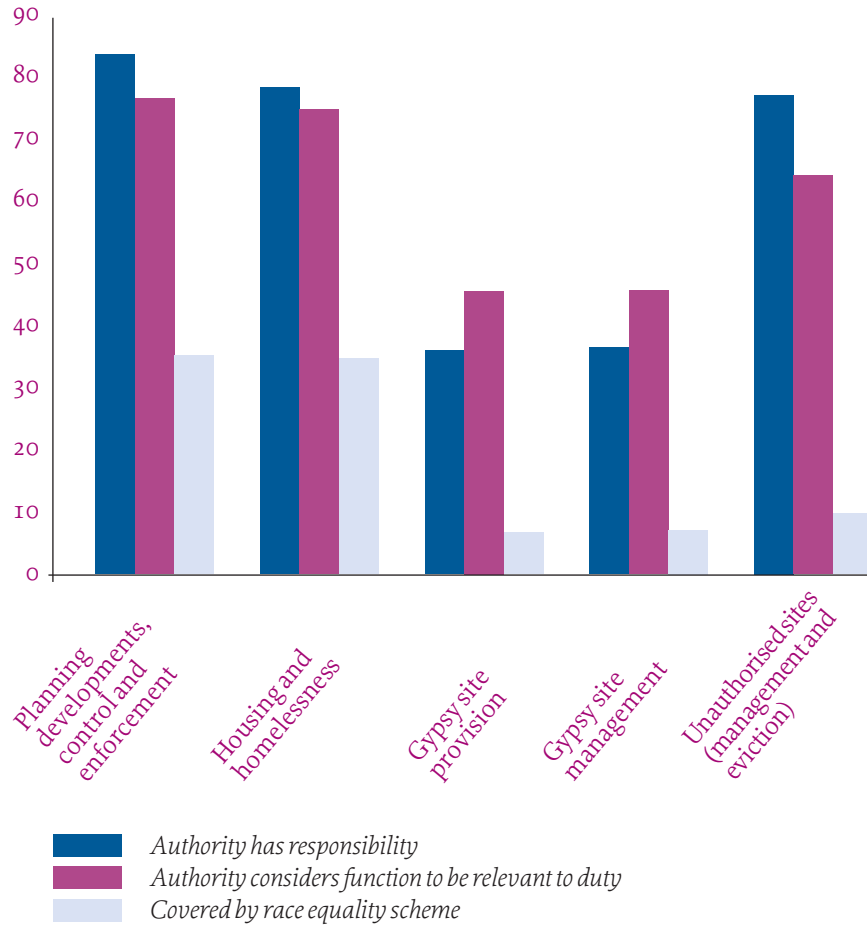
While many authorities included a description of the local ethnic minority population in their RES, the tendency only to recognise non-white ethnic minorities, especially in areas with small ethnic minority populations, immediately put other groups, such as some new migrants and Gypsies and Irish Travellers, at a disadvantage. It was clear that, unless these groups were mentioned explicitly in the RES, they were overlooked in practice,

b. Does the RES identify all the functions relevant to promoting race equality and good race relations?

Most local authorities failed to identify functions that were particularly relevant to Gypsies and Irish Travellers as being relevant to race equality and race relations. This included both mainstream functions, for example education, and those that by their nature might almost exclusively concern these groups, while having indirect implications for the wider community, such as management of Gypsy sites (*see figure 3*). For example, although 83.9 per cent of authorities responding to our survey were responsible for planning, and most of these told us they thought this function was relevant to race equality, only 35.6 per cent of them had actually listed it as being relevant in their RES. Three-quarters of authorities said they thought housing and homelessness were relevant, but, again, only 35.2 per cent of them had actually listed these functions in their RES.

As figure 3 shows, functions that affected Gypsies and Irish Travellers almost exclusively, such as provision of sites or management of unauthorised encampments, were rarely included in the RES. Some interviewees in the case study authorities said this was because the functions only affected a small number of people; others mistakenly

Figure 3. Functions relevant to the duty to promote race equality and good race relations (%)



believed that these functions were concerned with ‘lifestyle’ and not ethnicity, and so had no implications for race equality or race relations. Some case study authorities did include these functions in their RES, but in a way that further marginalised them. For example, one RES referred to ‘Gypsy and Traveller issues’, but not as part of the authority’s mainstream functions, such as housing.

c. Why are functions relevant to Gypsies and Irish Travellers omitted from the RES?

One reason that authorities did not list these functions was that they interpreted the requirement to mean relevance only to equality of opportunity, in a narrow sense, and not to race relations. More than two-thirds (66.9%) of local authorities said there had been signs of tension between Gypsies and Irish Travellers and other groups in their area since April 2001, with 93.7 per cent of them identifying unauthorised encampments as a cause, making it by far the most frequent cause of tension. Despite this, only one in 10 local authorities identified the management of unauthorised encampments as a ‘relevant function’ in their RES.

We found three other reasons for omitting relevant functions:

- Some local authorities had only recently begun to see the link between race equality and good race relations and functions such as planning, and even more recently to realise that Gypsies and Irish Travellers are recognised ethnic groups. This may explain why some authorities, while saying they recognised the relevance of these functions to race equality and good race relations, did not actually list them in their RES (*see figure 3*).
- Officers such as GTLOs, who work directly with Gypsies and Irish Travellers, had little contact with those who produced the RES.
- Local authorities usually identified relevant functions on the evidence of their ethnic monitoring data, and as the data did not include Gypsies and Irish Travellers as separate categories, these groups were overlooked when measuring needs and access to services (*see section 3.2.5. c*).

3.2.3 Consultation

The specific duty requires authorities to set out arrangements in their RES to consult³⁴ those who are likely be affected by their proposed policies, so that they can take on board any unintended consequences for particular racial groups, or any indication that the policies are likely to affect relations between racial groups, before they are introduced. In the absence of reliable monitoring data on Gypsies and Irish Travellers, consultation also throws light on people's views of current policies, which authorities must also make arrangements to monitor in their RES. Consultation has other benefits, such as encouraging everyone to get involved in local decision making, and giving them a sense of ownership and belonging in the community. Well-run consultation can also create positive opportunities for different groups within local communities to interact through discussions of issues of common interest.

It is not sufficiently recognised that policies on providing Gypsy sites and managing authorised and unauthorised sites are as likely to affect the whole community as mainstream policies and services in housing and education. These policies not only affect Gypsies and Irish Travellers directly, but also the local environment and the wider community, and can therefore have a considerable effect on race relations in the area.

a. How do local authorities consult?

The survey showed that local authorities use surveys, user groups, focus groups and citizens' panels to consult their communities. Some had made considerable effort to involve everyone, including Gypsies and Irish Travellers, in their consultations. One authority had built up a relationship with Gypsies in the area over a number of years and had

consulted them on all policy matters that were likely to affect them. For example, the authority had recently invited them to a focus group discussion about meals on wheels. Officers said this had helped them to target the service where it was needed, and had made people realise that Gypsies and Irish Travellers have the same general needs as anyone else.

More than a third of local authorities (37.3%) said they consulted Gypsies and Irish Travellers differently from other groups, relying mainly on face-to-face interviews and visits to sites. Examples of good practice included:

- the use of intermediaries and liaison officers;
- meetings with small groups and individuals;
- arranging consultation meetings at times and places that suited the people being consulted;
- making sure council leaders were involved, and properly briefed;
- establishing regular contact and winning Gypsies' and Irish Travellers' trust through personal visits to sites;
- consultation groups on setting up Gypsy sites;
- working with other agencies who were already in contact with Gypsies and Irish Travellers; and
- working with representative organisations.

One local authority had developed a guide on how to consult and involve people from groups perceived to be 'hard to reach', including Gypsies and Irish Travellers. Other authorities had set up projects to train individuals from ethnic minorities, including Gypsies and Irish Travellers, to interview others from their community about social services and health matters. Other authorities had tried to build confidence and skills among Gypsies and Irish Travellers, so that they would find it easier to take part in consultations, for example by funding residents' associations on publicly owned Gypsy sites.

However, delving deeper into some of these good practice examples, we found that many of them did not amount to very much. For example, the regular face-to-face consultation that one authority had reported as good practice actually involved speaking to one Gypsy living in conventional housing in the neighbouring area about providing Gypsy sites in the area.

Most of the authorities surveyed had not adjusted their basic consultation methods to enable Gypsies and Irish Travellers to take part, and many took a 'one size fits all' approach to consultation. The problem partly lay in the techniques they used, such as citizens' panels coordinated by external companies, and data samples based on census categories, but

authorities were either unaware of, or ignored, the fact that these methods could actually exclude Gypsies and Irish Travellers.

Gypsies and Travellers are not something we've really considered. There is no reason why we can't adapt the models that were used for other communities to consult with them, it just hasn't occurred to us ... The reason we don't specifically consult ... [is] not a lack of willingness, but a lack of awareness [of it] as an issue'. *Local authority officer responsible for consultation*

Some authorities had taken steps to make their consultation arrangements more imaginative and flexible; for example, some offered translation services, or made sure the days or times of consultation did not exclude people for cultural (or other) reasons. However, this flexibility did not extend to arrangements for consulting Gypsies and Irish Travellers. Since their needs were not immediately apparent, many authorities did not see the need for targeted consultation, or investigation of any particular barriers to engagement. As a consequence, we found a general acceptance among authorities that Gypsies and Irish Travellers did not engage, and little sense that any proactive work was required.

We've invited them to meetings but they don't turn up. ... They're not interested in policies. *Local authority officer*

The particular needs of Gypsies and Irish Travellers living in conventional housing were also not taken into account when designing consultation exercises, a problem which specialist officers said was exacerbated by their reluctance to be open about their ethnicity due to fear of racial harassment.

We found evidence of other weaknesses, too, in consultations with Gypsies and Irish Travellers. These included:

- a tendency to consult national support groups rather than local groups, even where these existed;
- short timescales, with deadlines that under-resourced support groups and representative organisations found hard to meet;

We are often called upon by the local authority department and other agencies that rely heavily on our knowledge and experience with the local Traveller community. In many respects our project's existence enables the local authority to tick all their boxes regarding their duty to address Traveller issues. The reality is that we are under-resourced and much overstretched, and do not have the time to address many of the issues that are around policy making. *Local Gypsy and Irish Traveller support group*

- a tendency to rely on specialist support workers for information, instead of consulting Gypsies and Irish Travellers themselves (*see chapter 2*); and
- consultation with individual Gypsies or Irish Travellers who were not representative or did not live in the area.

b. What do local authorities consult about?

Most of the examples that authorities gave of consultations with Gypsies and Irish Travellers involved small-scale, day-to-day issues, such as repairs to the site. Significantly, we found many examples where there had been no consultation over important issues that would have greatly affected site residents, such as plans to build other properties near the site. Consultation about providing sites, planning and policies on unauthorised encampments, all issues of direct concern to Gypsies and Irish Travellers, is considered in broad terms in this chapter, and explored in more detail in chapters 4, 5 and 6, respectively.

All we want is just the same services as everyone else, like somewhere for the children to play, and to be consulted when they are going to do something on the site. They built flats which overlook us and take away our privacy but they didn't consult us about it. *Gypsy*

We found that some authorities had recognised the importance of consulting on these subjects, and that those that had done it systematically and with careful planning could say it had helped them to provide better services to site residents, respond to local residents' concerns and improve relations between communities. The pay-off was evident in the results, with vocal local opposition from parish and community councils and local residents in some areas gradually transformed into active support for more sites.

However, overall, the survey showed that there had been little consultation on these policy areas, particularly policies on unauthorised encampments, and imbalanced consultation on planning policy, with almost three times as many local authorities consulting on this issue with local residents and the police as with Gypsies and Irish Travellers. These findings were broadly reflected in other parts of our research.

We found that local authorities generally tended to take three approaches to consultation on these policy areas, each of which led to further problems, and damaged race relations. First, they avoided consultation altogether, because unauthorised encampments and the question of providing sites were such contentious subjects. As a result, policy was necessarily shaped by concerns, frustrations and, in some cases, misunderstandings. Local residents were afraid or angry that their legitimate concerns or strongly held views were not adequately taken into account. In some cases, they had set up action groups, solely to lobby on matters to do with Gypsy sites or unauthorised encampments, because

they felt this was the only way to make their views known. Several parish and community councils also thought they had not had an adequate say in these policy areas. Meanwhile, Gypsies and Irish Travellers spoke of needs that went unheeded, and specialist officers reinforced this view.

The second approach was to consult, but only a small section of the community. For example, several authorities had set up forums to discuss local issues, but ended up hearing only one side of the story. GTLOs saw these meetings as a missed opportunity to bring Gypsies and Irish Travellers together with others, to discuss their concerns openly, and find solutions together.

The third approach, usually adopted as a reaction to intense public pressure, was to call big public meetings. Several individuals who had attended these meetings said they were very bad for race relations, and for any chance of getting Gypsies and Irish Travellers to take part. Local residents who supported the Gypsy sites in question said they felt afraid to show their support, those who were undecided were apparently influenced by the most vocal opponents, and Gypsies and Irish Travellers said they had felt intimidated by the whole experience and would avoid similar occasions in the future.

c. What are the barriers to consulting Gypsies and Irish Travellers?

A third (34.7%) of authorities in our survey said they had encountered specific barriers, such as lack of trust, low levels of literacy (which made written consultation difficult), and the fact that some Gypsies and Irish Travellers were a transient population.

Authorities also said that the absence of local representatives or support groups made consultation more difficult and time-consuming. Support groups in turn said they were overwhelmed by consultation requests, which they could not respond to because they did not have enough staff, and, more to the point, were not paid for their efforts. Gypsies and Irish Travellers, their support groups and specialist officers told us that authorities avoided consulting them because they did not want to know about needs which they would then have to do something about. They added that, while local groups played an important role, authorities made no effort to reach them directly (*see chapter 2*).

Few authorities saw the lack of direct contact with Gypsies and Irish Travellers as a problem, or felt the need to develop a support network. However, one authority commissioned research on the needs of Gypsies and Irish Travellers, including those living in conventional housing, and created two dedicated posts to support the tenants.

Although authorities were aware of the lack of local support groups for Gypsies and Irish Travellers, they did little to fill the gap, especially when compared with the efforts they made to engage the community more

generally. Several local authorities with small ethnic minority populations had recently helped to provide the training needed to set up support groups for ethnic minorities in general. However, even in areas where Gypsies and Travellers were known to be the largest ethnic minority group, no specific initiatives had been developed for them. We found few examples of authorities that considered using their grant-giving powers to fund support groups for Gypsies and Irish Travellers. While most areas had community organisations that supported ethnic minorities, it appeared that many of them had no contact with Gypsies and Irish Travellers. We also found some racial equality councils (*see appendix 8*) that worked with a wide range of ethnic groups, but had not engaged with Gypsies and Irish Travellers, even when they were a large part of the local population.

The main barrier underlying many of the problems associated with consultation was the failure to understand that Gypsies and Irish Travellers are ethnic groups, and that their needs, like any needs, must be served. It also did not help that authorities did not understand that they had to consult people from all groups who were likely to be affected by their policies. This was due in large part to ignorance of the duty to promote race equality and good race relations, and inadequate training on it (*see section 3.2.5*).

It was supposed to be a meeting to discuss general issues, but it was actually just a 'knock the site' meeting. *GTLO*

We really need discussion and open debate at a parish level, but my only experience of groups formed to talk about this kind of thing is roomfuls of people being extremely negative about Gypsies and Travellers. *GTLO*

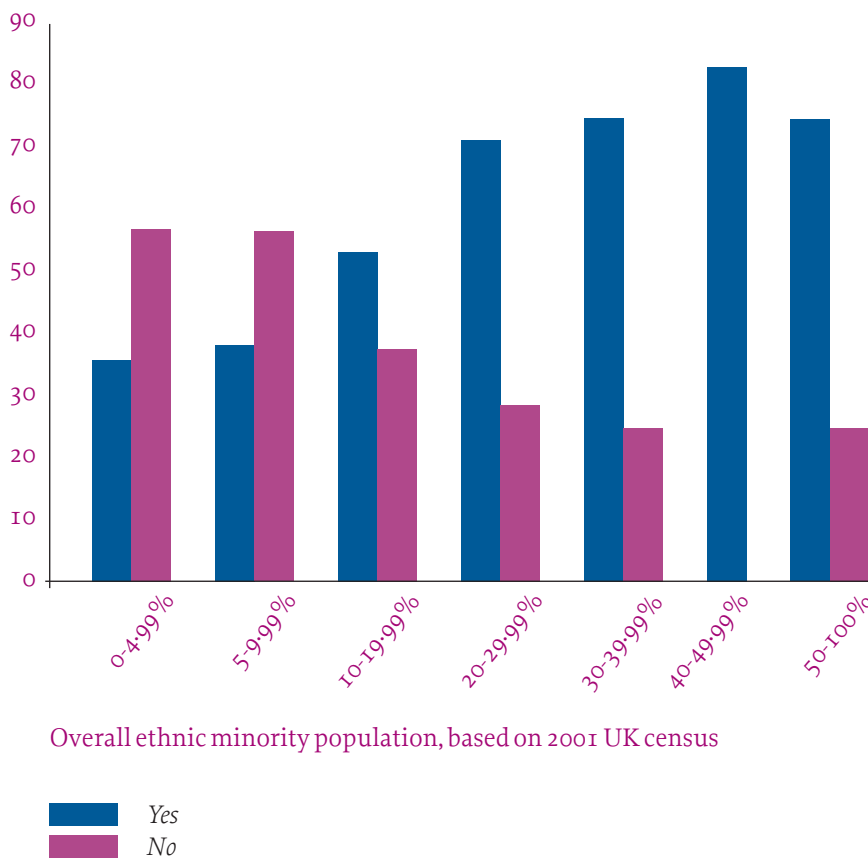
3.2.4 Race equality impact assessment (REIA)

Local authorities must include arrangements for carrying out REIAs³⁵ in their RES. An REIA is a process for assessing the effects that a proposed policy is likely to have on different racial groups, and on relations between them. Used effectively, the REIA process should ensure that no policy is introduced, nor any major decision reached, that could have an adverse effect on some racial groups, or on race relations, without a reasoned justification, and where possible without measures being taken to mitigate any disadvantage. The REIA process should be a routine part of policy development. Its purpose is both to make sure the policy does not disadvantage a particular racial group by disregarding its needs and interests and to ensure 'best value' in providing services; it is an opportunity to prevent inequality or tension between different racial groups.

a. Do local authorities carry out REIAs on their proposed policies?

Less than half (42.4%) of the local authorities that responded to our survey had assessed any of their policy proposals since May 2002, and only around a quarter (27%) had published the results. Authorities with larger ethnic minority populations were more likely to have conducted REIAs (see figure 4). This finding was echoed in the evidence from the case study authorities, and is significant, because Gypsies and Irish Travellers living on sites tend to be concentrated in areas with small ethnic minority populations.

Figure 4. Local authorities that had conducted REIAs, compared with the local ethnic minority population (%)



b. Are Gypsies and Irish Travellers included in the REIAs?

Several authorities provided examples of what they described as REIAs. These were usually general in nature, embracing a broad spectrum of equality issues. However, they were not sufficiently detailed to benefit from a combined approach to equality, which would allow authorities to identify more than one form of potential inequality or discrimination, for example disability and race. The race element in the REIA usually

referred to ethnic minorities in general, and did not consider the likely effects of policies on particular racial groups, despite extensive evidence that policies affect different groups in different ways. Many REIAs consisted of a simple statement, with no supporting evidence.

Most appeared to be desk-based exercises, involving little consultation or further data collection, and were related to employment matters rather than services. The lack of adequately completed REIAs was particularly acute in those policy areas that affect Gypsies and Irish Travellers most, such as planning, providing sites, unauthorised encampments and homelessness.

Significantly, we did not find any examples of REIAs, in any of the documents supplied during the entire inquiry, that considered the effects that policies might have on race relations, even in areas where there were tensions in the community over the policy in question – and 66.9 per cent of authorities said there had been tensions in their areas over Gypsies and Irish Travellers.

c. What are the barriers to conducting REIAs?

The most significant barriers appeared to be the absence of data on Gypsies and Irish Travellers (*see section 3.2.4. c*), and the lack of understanding of what the duty to promote race equality and good race relations calls for. This took two forms.

- First, authorities did not appear to understand which policies needed REIAs. CRE guidance (CRE, 2002b) makes clear that not all policies have to be assessed, only those that are relevant to race equality and good race relations. Yet, many local authority officers thought they had to carry out REIAs of all proposed policies, something they could not begin to find the resources for, and therefore did none.
- Second, officers did not understand either the process or the purpose of REIAs. They did not appreciate that an REIA had to be part of the development of the policy, and not a separate process tacked on afterwards. Officers were also unable to see that the REIA is an intelligence-driven tool to help develop policies that do not affect any particular group adversely, by disregarding its needs and interests, and do not damage relations between people from different racial groups. Many staff mistakenly thought the process involved weighting policies or decisions in favour of minority groups, which would in fact be unlawful.

3.2.5 Monitoring policies

As well as assessing and consulting on proposed policies that are relevant to race equality and good race relations, or proposals for substantial changes to these policies, the specific duty calls on public authorities to

make arrangements to monitor their current policies for the effects they are having on race equality and race relations, and to publish the results.³⁶

Like the REIA, this monitoring process can reveal if the needs of particular racial groups are not being met, and signal whether a service or operation is achieving its aims. It can also throw light on whether a policy might be harming race relations. The basis for monitoring and policy reviews is information about use of the service in question, and other outcomes, including its effect on race relations.

a. Do local authorities monitor their policies?

Our survey showed that:

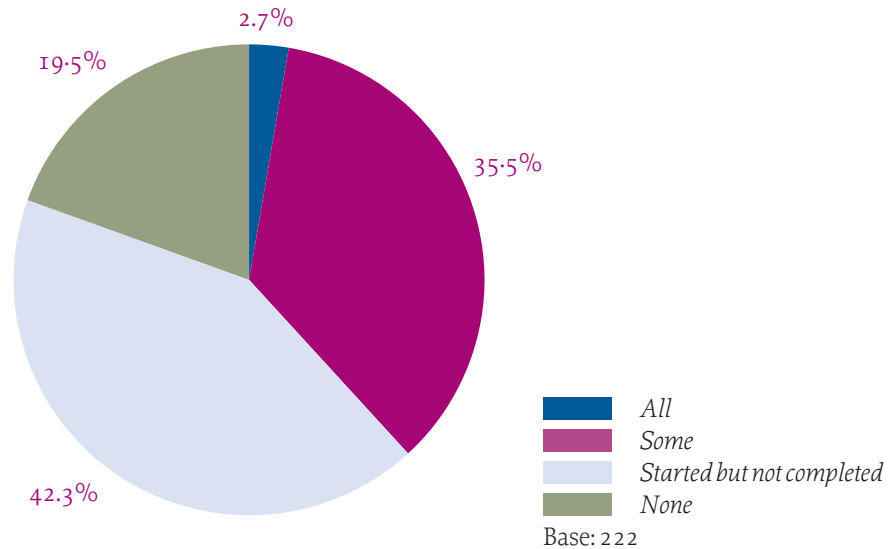
- More than three-quarters of local authorities (80.6%) had either monitored the effects of some or all of the policies that were relevant to race equality and good race relations, or had started to do so, but not completed the task.
- Only 26 authorities (11%) had monitored the effects of their policies on Gypsies and Irish Travellers, even though both groups lived in or passed through 91.1 per cent of the areas covered by the survey.
- Local authorities with large ethnic minority populations, and those that had high BV2b scores (*see appendix 4 and reference 32 in appendix 9*), were much more likely to have monitored policies.
- Nearly one-fifth of all local authorities (19.5%) had not even begun monitoring any policies (*see figure 5*).
- Only a fifth (20.5%) of the local authorities that had done some monitoring had published the results.

The evidence from the case study authorities reflected these findings.

b. Does the monitoring include Gypsies and Irish Travellers?

A small number of local authorities had monitored Gypsies and Irish Travellers as specific groups, and used this data when examining the effects of their policies on race equality and race relations. In every case, they identified significant unmet needs for services. One authority in an area with a large number of Gypsies and Irish Travellers had monitored its social services policies and found a general disengagement from ethnic minorities in the area, and poor access to services, particularly adult social care services. It also found that Gypsies and Irish Travellers had especially poor health and only rarely used its services. As a result, the council decided to seek funding for an officer to provide social care for these groups. Another authority monitored the effects of 'supporting people' (*see appendix 8*) services on Gypsies and Irish Travellers living in conventional housing and, having found substantial unmet need, is now

Figure 5. Local authorities monitoring the effects of current policies on race equality and race relations (%)



considering providing dedicated support for the tenants. However, these were isolated examples. By and large, the survey found little monitoring of how authorities' current policies affected Gypsies and Irish Travellers, and race relations.

More worryingly, the survey found that only a tiny proportion of authorities had monitored the effects that policies specifically concerned with Gypsies and Irish Travellers might be having on race equality and race relations. For example:

- only 6.3 per cent of authorities that had a policy on public Gypsy sites had monitored it;
- only nine authorities (3.8%) had monitored the effects of their unauthorised encampment policy; and
- only three authorities (1.3%) had monitored the effects of their planning policy on Gypsy sites.

We did not find *any* examples of monitoring that looked at the way policies affected race relations. This was particularly important given the evidence, highlighted throughout this report, of tensions over public Gypsy sites and unauthorised encampments and developments.

c. What are the barriers to monitoring policies for their effects on Gypsies and Irish Travellers, and on their relations with others in the community?

As with the findings on REIAs, the main barrier was the absence of data on Gypsies and Irish Travellers. This affected all aspects of compliance with

the general duty and the specific duties. Some local authorities had taken steps to overcome the problem. For example, one had commissioned a demographic survey, which included information on age, housing, household composition and health. However, most authorities had not done anything similar, for example by specifically emphasising Gypsies and Irish Travellers in any research commissioned on needs among ethnic minorities, or by adding an extra ethnic category (within White Other) to their monitoring system, as the CRE recommends (*see appendix 5*). The only information on Gypsies and Irish Travellers available to most authorities in England was the data held by Traveller Education Services (TES), schools and the biannual caravan count (*see appendix 8*).

It did not help that Gypsies and Irish Travellers were reluctant to provide information about their ethnicity. Some of them, and specialist officers, suggested that this was because they did not understand, or trust, the reasons for collecting ethnic data. However, those living on Gypsy sites were generally more willing to identify themselves in ethnic monitoring exercises than those living in conventional housing. A research study by one local authority into attitudes to self-identification among Irish Travellers living in houses found that many called themselves 'Irish', to avoid the disadvantages they anticipated by saying they were 'Travellers', such as worse service from the local authority, or harassment by their neighbours.

Another barrier, particularly among authorities with smaller ethnic minority populations, was the failure to appreciate the value of formal monitoring. Officers in these authorities rightly concentrated on providing good services for all, but did not realise that some of their policies or practices could inadvertently serve as barriers for some groups, and that this could only be detected through objective monitoring and analysis of the data. They did not see that differences between people meant that equality of opportunity could only be achieved by adapting services to accommodate different needs.

I'm quietly confident that [if we monitored our services by racial group] it would bear out what we already know ... that we treat everybody the same. *Equality officer*

We don't monitor [take-up]. We treat everyone as individuals. *Housing officer*

3.2.6 Training on the duty to promote race equality and good race relations

The RES must include arrangements for training all relevant staff on the duty to promote race equality and good race relations.³⁷ Only if staff understand the aims of the duty, and what this means in practice, can they

put it into effect. Training on the duty is not the same as general training on racial equality, although there may be links, and broader training may help staff meet the duty in practice. The training would be more practically useful if it were related to the local situation and the groups served by the authority, and highlighted any issues that staff should consider when developing and providing services.

Areas where training may be important to help staff meet the duty in practice include:

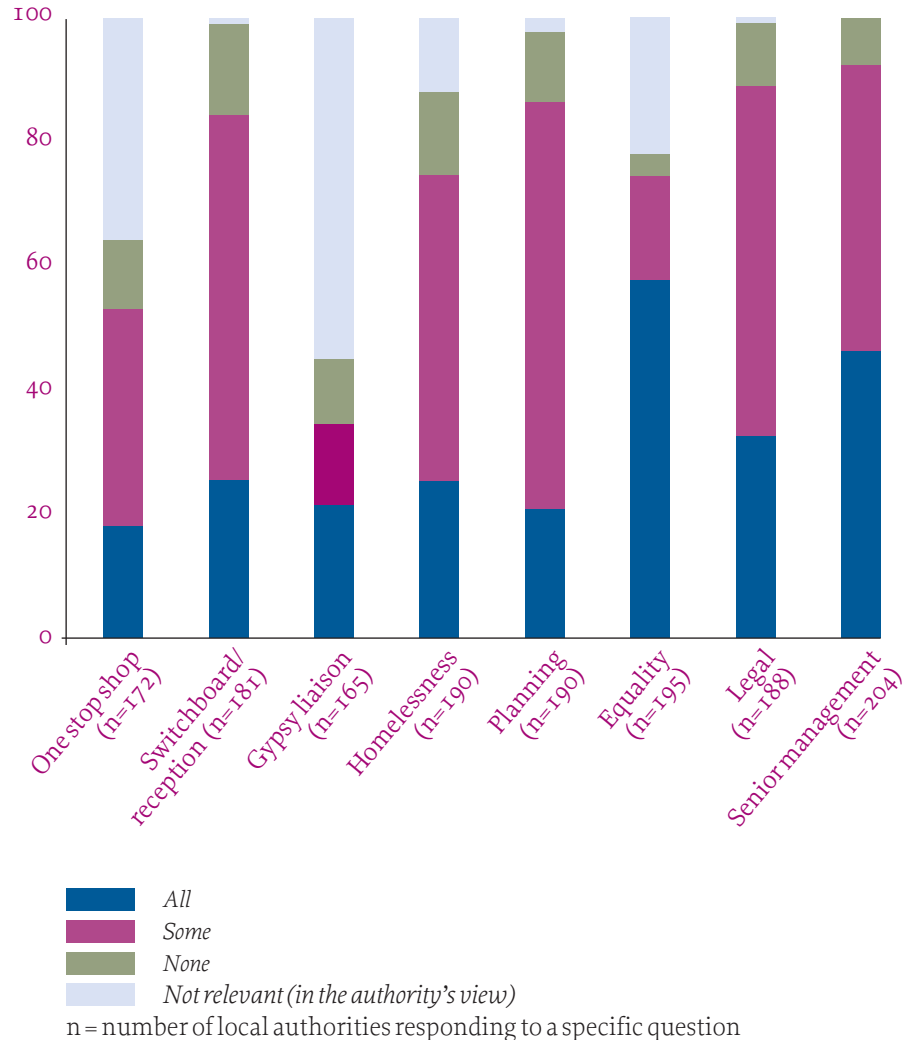
- carrying out REIAs;
- the ways in which cultural and other differences between groups, including Gypsies and Irish Travellers, could affect services;
- monitoring policies for any adverse effects on a particular racial group (or groups), or on race relations, and knowing how to deal with it;
- racial prejudice and stereotyping;
- working with local and national media to promote good race relations, for example by correcting inaccurate reporting, and providing reliable information; and
- how to consider the implications for race equality and race relations when having to make decisions that could lead to enforcement action against residents of Gypsy sites.

a. Have staff received training on the duty?

Some staff in all the authorities that responded to our survey had received training on the duty to promote race equality and good race relations, although their numbers, seniority and responsibilities varied considerably. Senior members of staff were most likely to have received training, with all or some members of the senior management team having been trained in almost 80 per cent of local authorities. Similarly, most switchboard and reception staff had been trained in 84 per cent of authorities. However, as figure 6 shows, it was more likely that ‘some’ rather than ‘all’ staff had received training on the duty to promote race equality and good race relations. Over half of local authorities (55.2%) did not think training on race equality and good race relations was relevant for GTLOs (in some cases this was because they did not employ one).

These findings were reflected in the evidence from the case study authorities. Managers were more likely to have received training than other members of staff, but did not always pass the information down. Broadly, training on the duty to promote race equality and good race relations was often indistinguishable from general diversity training. It did not focus on practical questions or on the perspectives of different jobs and functions in the authority, or on promoting good race relations.

Figure 6. Training for staff on the duty to promote race equality and good race relations, by type of job (%)



As a result, training sessions were often not well attended, and the messages not acted upon.

We also found from visits to the case study authorities and the call for evidence that many GTLOs had received no training on the duty to promote race equality and good race relations. Several officers said this was because their managers thought that, because they worked directly with Gypsies and Irish Travellers all the time, they must understand their needs, and that no formal training on the legislation was needed to supplement this.

b. Does this or other training cover Gypsies and Irish Travellers?

Less than a third of authorities (30%) had given specific attention to Gypsies and Irish Travellers as part of their wider race equality training.

We found numerous examples, particularly in smaller authorities, of training provided by external organisations that was not tailored to reflect the local population. The examples of training material we received dealt almost exclusively with African Caribbeans and Asians, even when Gypsies and Irish Travellers made up the largest ethnic minority groups in the area, and there had been tensions about their presence.

A similar proportion of authorities (29.3%) said they had given their staff and councillors training on cultural diversity which covered Gypsies and Irish Travellers. From the examples submitted, we found that one authority had arranged for a detailed training course for all relevant staff on the needs of Gypsies and Irish Travellers in the area, delivered by the GTLO and an Irish Traveller. It covered general questions about culture, the problems experienced by those living on council sites and in conventional housing, and information about their specific needs in education and social care. The course participants said the training had helped them to match services to need, and had also provided an opportunity to discuss common preconceptions about Gypsies and Irish Travellers.

One police force emphasised the importance of ‘cultural awareness training’ and had produced detailed guidance on Gypsies and Irish Travellers. However, it was clear that the quality of this training varied greatly. In several cases, it had been provided by individuals who knew a great deal about the history and experiences of Gypsies and Irish Travellers, but nothing about the practical business of providing services, or the law.

We’ve had good feedback about its [the guidance] practical application ... family liaison officers have said that the section on funerals is a godsend. *Police officer*

Training needs to get out of the pink fluffy box, oh look at those quaint people. You need to know practicalities about responding to the needs of people. For example, on unauthorised encampments what should I do to engage and not upset people? *Police officer*

I went to a [district council’s] cultural awareness training session on Gypsies and Travellers. Afterwards I asked the receptionist what she thought. She said it was ‘pretty useless and condescending, he [the trainer] was just waffling on about why Gypsies are Gypsies ... there was nothing about practicalities.’ *GTLO*

The survey also showed that local authority officers responsible for providing other, non-site-related services, such as housing and homelessness services, rarely received ‘cultural awareness training’ on Gypsies and Irish Travellers. Some officers again suggested that the

different cultural needs of these groups should be dealt with by 'treating everybody the same,' even though this was not the approach they took with other ethnic minority groups. Not surprisingly, Gypsies and Irish Travellers said they did not feel that service providers, especially those responsible for planning and homelessness, understood their needs.

I have never come across a planning officer that has been trained. They don't have a clue about cultural awareness. So they'll pass a trailer but not the dayroom or facilities. They'll say that the trailer has a toilet in it already. But they don't realise that people would never use the toilet facility inside a trailer. *Gypsy*

They don't know about the differences between Gypsies and Irish Travellers – that Romany Gypsies might have four to six trailers but that Irish Travellers will want larger sites. *Gypsy*

3.2.7 Access to information and services

The RES must include authorities' arrangements for ensuring that people have access to the information and services they provide.³⁸ The aim is to ensure openness and the widest possible awareness of public services. Authorities therefore need to focus especially on groups that have proved difficult to reach (CRE, 2002a). As many Gypsies and Irish Travellers have problems with literacy, and are unlikely to have access to the internet, especially if they live on unauthorised encampments (Van Cleemput *et al*, 2004), authorities may need to adapt their communication methods in order to meet the duty.

a. How are information and services provided for Gypsies and Irish Travellers?

More than a third (39%) of local authorities said they communicated with Gypsies and Irish Travellers through face-to-face meetings, focus groups, intermediaries and community-based initiatives. We found some examples of good practice. One authority had employed an officer to work with ethnic minority communities in the area and, as Gypsies and Irish Travellers were the largest ethnic minority groups, the officer's job included identifying their needs, making sure they received advice and information (in suitable formats) on all of the council's services, helping them to make full use of these, and working in partnership with external agencies and organisations to improve their access to other services.

However, more generally, the tendency among authorities in our survey was to concentrate on giving Gypsies and Irish Travellers information about sites and education (which is usually provided by GTLOs and TES), rather than about mainstream services. In all the case study authorities, it

was GTLOs and TES who worked, with scant resources, to let residents of Gypsy sites know about these services. Rarely did authorities consider adapting services, or information about them, to the needs of Gypsies and Irish Travellers, including those living in conventional housing (*see chapter 2*).

Respondents to the call for evidence pointed out that failure to keep Gypsies and Irish Travellers informed about mainstream services could also damage race relations in the area. Unauthorised encampments and breaches of planning were the most frequent causes of community tension involving Gypsies and Irish Travellers (*see chapters 5 and 6*); yet local authorities had frequently failed to communicate with them about these. Community tension is the result of a complex combination of factors and, while lack of information is by no means the only, or even, necessarily, the main cause, it is nevertheless a contributory factor, as illustrated below.

- Local residents complained about the lengthy appeals process associated with planning applications, and the expense to the taxpayer, yet many Gypsies and Irish Travellers said that local authorities would not advise them on suitable land for sites, or help them with their applications.
- Settled local residents frequently complained about rubbish and fouling on unauthorised encampments, yet Gypsies and Irish Travellers told us it was difficult to find rubbish tips that they were allowed to use for waste they had accumulated through their business. They found themselves in a predicament: on the one hand, waste collection licences, which those with low literacy levels were unable to obtain without assistance, were required in order to collect and carry commercial waste; on the other hand, large vehicles, such as the ones they generally owned, were usually banned from rubbish sites for household waste.

b. What are the barriers to ensuring that information and services reach Gypsies and Travellers?

We identified three main barriers to ensuring that information and services reached these groups. First, local authority staff operated on the assumption that all Gypsies and Irish Travellers lived on sites, that they did not need mainstream services and that the council did not need to do anything. Second, responsibility for ensuring that information about the council and its services reached Gypsies and Irish Travellers was left to specialist officers, rather than to the mainstream departments (*see section 2.3*). Third, possibly because of poor training, local authority officers did not appreciate the importance of being proactive about adapting services, and targeting information, so that no group was inadvertently excluded.

3.3 Summary and conclusions

Race equality and race relations are relevant to all local authorities, whatever their size, or the size of their ethnic minority population. However, we found that authorities with smaller ethnic minority populations had made significantly less progress than those with larger populations in meeting the duty to promote race equality and good race relations, and that they did not appreciate the benefits for all in promoting good relations between Gypsies and Irish Travellers and others in the community. While Gypsies and Irish Travellers lived in or travelled through the vast majority of local authority areas, they tended to be concentrated in those with smaller ethnic minority populations overall. However, even in urban areas, where more was being done to meet the duty, Gypsies and Irish Travellers tended to be forgotten.

While some local authorities had made significant progress in making arrangements (as part of their RES) that benefited all racial groups, including Gypsies and Irish Travellers, the overall picture was not positive. Few local authorities could see that the duty to promote race equality and good race relations, and the arrangements required under the RES, had real implications for the way they provided services. This became particularly apparent in the case of proposed policies that would affect Gypsies and Irish Travellers directly, such as site planning and managing unauthorised encampments, and which were developed largely without consulting them, or assessing the policies' effects on different groups, and on race relations. Once in place, the policies were seldom monitored. The failure to consult, and the fact that most local authorities did not encourage Gypsies and Irish Travellers to get involved, meant that important opportunities to build longer-term relationships were missed. The failure to assess policies in advance, and to monitor them in operation, meant that local authorities were oblivious to the fact that their policies were creating and perpetuating inequalities, and aggravating community tensions, and that they were overlooking opportunities to avoid this and to improve services. One of the main obstacles was the lack of data on Gypsies and Irish Travellers, but over two-thirds of local authorities had hard evidence of community tensions that had built up as a result of the policies they had introduced.

Overall, the biggest barriers seemed to be: first, the failure to understand that the duty is not only about promoting race equality, but also about promoting good race relations, and to see that local community tensions are a sign of poor race relations; and, second, the failure to see Gypsies and Irish Travellers as racial groups, with specific needs based on ethnicity rather than land use, which led to their omission from corporate work to promote race equality and good race relations, and the provision of effectively segregated services. Inadequate training on the duty for councillors and officers compounded all these problems.

3.4 Recommendations

We recommend the following as specific measures for local authorities. A list of all recommendations in the report can be found at appendix 1.

Local authorities should:

- Explicitly include Gypsies and Irish Travellers in their race equality scheme, and in all their arrangements for putting it into effect; including councillor portfolio responsibilities, internal working groups, arrangements for consultation, race equality impact assessment, monitoring and publishing the results, training, and information about the authority and its services.
- Add two separate categories for Gypsies and Irish Travellers in all ethnic monitoring arrangements, and take steps to encourage them to provide information about their ethnicity.
- Make sure the duty to promote race equality and good race relations, and issues relating to Gypsies and Irish Travellers, are written into all partnerships with the police, and providers of education and health services, and into all relevant procurement arrangements, including those with external trainers, site managers and bailiffs.
- Include Gypsies and Irish Travellers in all corporate consultation exercises, especially those on questions of long-term, strategic importance; encourage these groups to take part;³⁹ and adapt the authority's methods of consultation to their particular needs.
- Build relations with Gypsies and Irish Travellers in areas where there is no contact with them at present, and make sure their interests and needs, including the need for training in leadership and community advocacy, are reflected in the criteria for grants to mainstream and specialised voluntary and community organisations.
- Make sure all interested parties (including Gypsies and Irish Travellers) are fully consulted on all policies and decisions about Gypsy sites,⁴⁰ so that any concerns or misunderstandings can be dealt with.
- Assess and monitor the impact of all policies on access to services and outcomes for Gypsies and Irish Travellers, and on relations between these and other groups, in line with the statutory duty to promote race equality.
- Make sure all officers, including planning, housing and equality officers, are trained to meet the statutory race equality duty; are aware of the full range of ethnic groups in the local population, including Gypsies and Irish Travellers; and understand that services should be designed to accommodate the needs of different ethnic groups. This should be included in staff assessment systems, such as competency frameworks.

Chapter 4

Public sites

4.1 Introduction

This chapter examines the provision and management of public sites by local authorities, and their assessment of the need for accommodation, which applies to both public and private sites. It examines the evidence on the following questions:

- Have local authorities assessed Gypsies' and Irish Travellers' need for accommodation? If so, what steps have they taken in response to the assessment? If not, why not?
- What policies and procedures do local authorities have for providing and managing residential public sites? Have they consulted on new policy proposals, and conducted race equality impact assessments (REIAs) of them? Do they monitor all current policies that are relevant to race equality?
- Are there any barriers to providing public sites?
- What arrangements do local authorities make for managing sites? What steps do they take to promote good relations between residents of sites and others in the community?

Privately owned sites are discussed in chapter 5. Transit sites are discussed briefly here and in chapter 6, but were not a subject of detailed inquiry.

At the time of writing, the government was revising its guidance for local authorities in England on planning sites and assessing needs; guidance for authorities in Wales was expected to follow. Our findings should be read in this context.

The government's aim, as stated in its paper, *Quality and Choice: a decent home for all*,⁴¹ is that, by 2010, everyone should have access to adequate and suitable accommodation, whether in conventional housing or other types of accommodation, such as Gypsy sites. When the statutory duty to provide sites was repealed in 1994, local authorities retained the power to provide sites, and to make compulsory purchases of land for this purpose. Government guidance made clear that local authorities should assess the need for new sites, as they would for other types of accommodation, and maintain existing sites (DoE, 1994). Planning Policy Guidance Note 3

(2000), issued by the Office of the Deputy Prime Minister (ODPM), also says (at para 12) that local authorities should assess the need for accommodation in all communities, including the need for both public and private Gypsy sites.⁴²

Local authorities have thus been required for over a decade to assess the need for sites. Nevertheless, the government felt it necessary to give them a specific statutory duty to do so, in section 225 of the Housing Act 2004.⁴³ This requires all local authorities with responsibility for housing (district and unitary authorities) to carry out an assessment of Gypsies' and Irish Travellers' need for accommodation when carrying out an assessment of housing need in the area, or as a separate exercise, if necessary. They are also required to incorporate the needs they find, and their plans for meeting them, in their housing strategy.

4.2 The findings

4.2.1 Assessment of need

a. Do local authorities assess need for Gypsy sites?

Our survey found that only a third (34.3%) of local authorities had assessed the need for Gypsy sites or accommodation in their areas since May 2002. A further 27.5 per cent said they did not have any plans to do so in the future, demonstrating the need for the new statutory duty.

Local authorities with large numbers of Gypsies and Irish Travellers living on unauthorised encampments and developments were much more likely to have assessed the need for Gypsy sites or other accommodation in their area. They were also more likely to have done so when a member of the corporate management team had responsibility for issues concerning Gypsies and Irish Travellers.

More than half of the authorities (56.9%) said that lack of evidence of need was the main reason for not having assessed it, or having plans to do so. Clearly, the absence of *visible* evidence of need, such as unauthorised encampments and developments, had been taken to mean there was no need, without any formal assessment having been undertaken. This was confirmed in the case study authorities, where the number of unauthorised encampments had dropped and the authorities had thought this meant less need, and less urgency to provide sites.

Views on the purpose of assessment differed, both among councillors and between councillors and officers. Some councillors thought the assessment of need for Gypsy sites constituted preferential treatment, and they challenged the assessment process. Some disagreed and said the

assessment of need was important, to ensure that everyone was able to access suitable accommodation that met their needs. Others thought the objective was to tackle unauthorised encampments for the benefit of the local authority and the wider community.

b. How do local authorities assess need?

The call for evidence did produce examples of good practice. In some areas, district councils carried out the assessments, with county councils playing a coordinating role. Elsewhere, assessments were conducted over larger areas on a sub-regional basis. We found evidence that some authorities had used information and advice from those who understood Gypsies and Irish Travellers and their culture to design and carry out assessments of need that accurately reflected the situation in their area. For example, when four neighbouring local authorities commissioned an assessment of the need for sites in their area, Gypsies and Irish Travellers were treated as genuine participants in the process and encouraged to suggest specific ways in which the study would benefit them. Gypsies and Irish Travellers were given training and carried out the assessment themselves, with support from a broader advisory group. Separate questionnaires were designed for respondents living on authorised sites, in roadside encampments and in houses, to distinguish between the needs of these different groups.

However, the evidence also suggested that this practice was rare. Local authorities put less effort into identifying those who needed Gypsy sites than those who needed other types of accommodation. Most of the case study authorities judged the degree of need on the basis of anecdotal evidence or information from residents of sites, with only two having undertaken a formal assessment. However, all the case study authorities were aware of the new requirement shortly to be introduced under the Housing Act 2004 to assess need, and most were in the process of planning assessments together with neighbouring authorities.

Several case study authorities had done research or were planning to do so, sometimes prompted by Audit Commission inspections, in order to assess the need for housing among ethnic minorities generally. In some cases, special efforts had been made to identify the needs of groups that the authorities were not aware of, such as new migrants. However, Gypsies and Irish Travellers were rarely included in research on the needs of ethnic minorities, and there was little research focusing specifically on these two groups.

Gypsies and Irish Travellers, their support groups and other organisations responding to the call for evidence raised particular concerns about the ways in which assessments of need were planned or carried out. They feared that the process would fail to identify actual extent of need, because the questions in assessment surveys were too general, and because they were carried out by people who had no knowledge of Gypsy and Irish Traveller cultures, or experience of working with them. Some

respondents said that many Gypsies and Irish Travellers lived in unsuitable conventional housing, but were reluctant to tell the assessors about their needs, unless specific steps were being taken to build their trust and confidence. This was because they did not want to be identified as Gypsies and Irish Travellers, fearing that this would become common knowledge and that they would become targets for racial harassment by their neighbours.

No national research has been done recently on Gypsies and Irish Travellers who live in conventional housing. Nor do authorities have any information about this, because they do not explicitly include these groups among their ethnic monitoring categories. Gypsy and Traveller liaison officers (GTLOs) in seven of the case study authorities (or the neighbouring counties) said they were aware of sizeable Gypsy and Irish Traveller communities living in conventional housing, and in some of these cases Traveller Education Services (TES) had data to corroborate this. These officers had in most cases been working with Gypsies and Irish Travellers locally for a number of years and had built up trusting relationships. By contrast, housing officers in almost all these authorities said the number of Gypsies and Irish Travellers living in conventional housing was small, because few had identified themselves as members of these groups. These officers had little experience of engaging with Gypsies and Irish Travellers. Overall, this evidence suggests that there may be far more living in conventional housing than housing staff are aware of, and therefore that their need for sites and other services may be overlooked in the process for assessing need. If so, this means that assessments of need may be significantly underestimating the extent of the need for Gypsy sites.

Some Gypsies and Irish Travellers expressed concern that authorities were appointing consultants to carry out assessments of need, without requiring them first to talk to local people or support groups. Some respondents said that those carrying out the assessments did ask for advice, but usually from national organisations, which did not have a sufficiently detailed understanding of the local situation or the capacity to get involved. However, several local authority officers said that the paucity of local support groups made it difficult to consult Gypsies and Irish Travellers in the area. Some local authorities said that, despite concerted efforts, they had found it difficult to engage with Gypsies and Irish Travellers, or obtain useful information.

Some Gypsies, Irish Travellers and their support groups thought that local authorities were trying to suppress evidence of need, so that they would not have to make much extra provision. Some were concerned that questionnaires were designed to keep the level of need down. For example, a few local authorities asked those on unauthorised encampments only whether they were looking for long-term residential accommodation. Since many wanted only transit accommodation, and to have a winter base to return to, the authority concluded there was no need for a site. Most of this criticism was based on the biannual caravan

count (*see appendix 8*) by local authorities in England. Respondents described evictions taking place immediately before a count, and increased action to protect land from unauthorised encampments.

They think that if they can drive people out they can show there is no need. They falsify the [biannual caravan] counts. There are encampments all over, but they are not recognised. *Gypsy*

[Councillors] keep saying 'we need more data or we need more assessments' at every meeting. They've asked for survey after survey. *Gypsy*

We found evidence that needs were obscured in some local authorities as a result of officers working to different objectives. In particular, some GTLOs were allowing people to stay on public sites without formal permission (*see also section 4.2.4.a*). This was intended as a short-term solution to the problem of an extreme shortage of pitches, but it meant that some people were living in overcrowded conditions, unofficially, and that their needs were therefore not on record. Some specialist officers, including staff in TES, also avoided reporting unauthorised encampments (*see section 6.2.4*), because they did not want to risk evictions by enforcement officers, which they believed would occur without the appropriate welfare checks. As a result, some unauthorised encampments were probably not included in the local authority's statistics. TES staff were among those who voiced concerns that, if information they held was made available, it would be used to evict residents from unauthorised encampments and developments that had so far not come to the attention of those responsible for enforcement. One TES said that information they had provided for assessments of need had indeed been used in this way, with a district council using a helicopter to find unauthorised sites referred to in the TES information, and rapidly beginning eviction proceedings once the sites were identified.

We started this process and we are still actively looking for possible suitable sites. We are at the moment arranging a housing needs assessment that will also contribute to this. We have also been working with other local authorities as part of the [county-wide] joint local authority Gypsy liaison panel. This group has been working together to identify the issues, and ways of managing the issues, in a coordinated way. Our initial survey did not identify any feasible sites and we are now taking a fresh look with a view to identifying suitable land.

Local authority response to survey

The need identified is moderate, and predominantly relates to growth of existing residential Gypsy families and the resultant unauthorised encampments. A number of concealed households were identified, which will require attention over the plan period. Minimal transit site requirement was identified district wide. *Local authority response to survey*

c. Do local authorities act on their assessments?

Our survey found that:

- over half (59.3%) of the authorities that had assessed Gypsies' and Irish Travellers' need for accommodation had concluded that more, and improved, transit and permanent sites were needed in their area;
- over a quarter (28.4%) had also made future projections based on the needs they had identified; and
- some authorities (14.8%) had found other needs at the same time, for example, concerning health, education and communication between Gypsies and Irish Travellers and the council.

In several local authorities, needs that were identified were subjected to lengthy and rigorous scrutiny, before any work to find sites could commence, frequently because there was no local political leadership to back it. In one of the case study authorities, an assessment had found a need for sites, but the decision had been delayed, because councillors had challenged the findings.

The assessment was a desktop assessment requested by two particular councillors. It revealed a shortage of suitable sites. It was not taken further and hence has no formal status, because the relevant councillors were not elected in the next local elections. *Local authority response to survey*

We found that, even where local authorities had found a need for a site, and this need had been accepted, the ensuing action was often unfocused, limited to considering locations for sites, or discussing possibilities with neighbouring authorities. This approach to assessment and to meeting need was in stark contrast to the detailed evidence assembled on the need for conventional housing, and the well-planned action taken to make it available.

Travellers – this is our largest BME [sic] group, but identifying their needs cannot be done at a local or even regional level. Research is needed at a national level. We offer more sites than any other [council in the area]... our ability to do more is hampered by the possibility we would create a 'honeypot effect'. *Extract from housing strategy*

Concerns about the purpose, objectives and outcome of the assessment process emerged repeatedly during discussions with officers and councillors in the case study authorities about the new statutory requirement to assess needs under the Housing Act 2004.

- Interviewees in a majority of the case study authorities said that, unless needs were assessed and sites provided on a sub-regional or regional basis, there would not be a balanced distribution of sites in a region, and Gypsies and Irish Travellers might gravitate towards those authorities that did provide sites.
- In four of the case study authorities, councillors and officers distinguished between accommodation 'needs' and 'preferences', and indicated that they did not think that sites for Gypsies represented a genuine need.

[A Gypsy site] is a wish not a need ... loads of us would want to have a green field site for housing or a caravan, but we can't. *Housing officer*

- Most of the case study authorities took a 'numbers, not needs' approach to providing Gypsy sites. Officers told us that, given shortages of affordable housing in their area, it would be difficult to justify to the electorate an increase in the number of sites, regardless of whether the assessment showed there was need. As one local authority officer stated, 'when the numbers' needs are so great, we can't focus on the niche needs'.
- Councillors in over half of the case study authorities raised concerns that Gypsies and, particularly, Irish Travellers in their areas did not have a local connection. They believed, sometimes mistakenly, that they were from a neighbouring authority or another part of the country or had recently arrived from Ireland, and that sites should not be provided to them, whether or not there was a need. This was despite the fact that government guidance makes explicit that the needs not only of those Gypsies and Travellers *residing in* but also *resorting to* the area should be considered.

Respondents in most of the case study authorities thought the new statutory requirement to assess Gypsies' and Irish Travellers' need for accommodation would lead to councils finding the evidence needed to make a case for providing sites, as had happened with social housing.

There's huge resistance whenever there's any major housing development. But whereas in those cases there is clear evidence of need, there is a lot of background information missing about Gypsies and Travellers. It makes it harder to argue the case. *Assistant chief executive*

However, some officers and support groups felt that, without strong political leadership, need would never be adequately assessed, or used to

provide more sites. Most councillors felt that strong guidance was needed on how to carry out assessments of need, how to define 'need' and exactly whose needs should be identified (for example, was a local connection necessary), so that they could justify the council's decisions to the local electorate based on the data.

4.2.2 Policies on providing sites

Local authorities are not legally required to have a policy on providing public sites. The new requirement in the Housing Act 2004 that local authorities identify and assess the need for sites means that policy on providing Gypsy sites will in future be part of mainstream housing strategy.

A formal policy on providing sites increases openness and makes it easier to adopt a more consistent approach, properly coordinated with other related aspects of the authority's work. It may include the number and capacity of existing and proposed transit and residential sites,⁴⁴ plans for refurbishing sites, arrangements for managing sites and supporting their residents, and the authority's approach to retaining sites. The policy should be linked to policies on private sites, unauthorised encampments and wider services, to ensure that the repercussions of decisions in one policy area on another are recognised. The effects of a formal policy on sites can be monitored, so that local authorities can see how their approach is affecting race equality and race relations.

a. Do local authorities have policies on public sites?

Only 26.7 per cent of local authorities in our survey said they had a policy on providing public sites. This was in stark contrast to the proportion of authorities that had policies on planning applications for Gypsy sites, and the management of unauthorised encampments: 79 per cent and 75.8 per cent, respectively. Most of the policies on providing public sites had been produced since 1994, and nearly half of them (42.8%) since 2001. We found that a local authority was much more likely to have a policy on sites when a member of the corporate management team had responsibility for issues concerning Gypsies and Irish Travellers.

Local authorities that did not have a policy on providing public sites gave the following explanations:

- they wanted to assess need before developing a policy (39%);
- there was no statutory requirement to have such a policy (34.5%);
- sites were already provided by another authority or agency (20.7%);
- the issue was covered by other policies (12.2%); and

- there were no Gypsies or Irish Travellers in their area (12.8%).

b. What do the policies contain, and what are their effects?

In the case study authorities, such ‘policies’ on providing public sites as did exist were not generally set out in a single document, but were referred to in reports on other subjects. This was not sufficiently systematic to constitute a ‘mainstreaming’ approach. In many cases, the policy consisted of a report that the council was keeping ‘a watching brief’ on the need for sites, or was aware of need, but unable to provide sites because there was no suitable land. Some authorities included a section on the need for sites in their housing strategies. Few policies in the case study authorities extended to Gypsies’ and Irish Travellers’ other needs, such as for health and education.

The call for evidence provided some examples of good practice. One county council had produced a comprehensive strategy on Gypsies and Irish Travellers, covering accommodation, support and other services, and aimed at promoting equality of access to services, and good race relations. It was reinforced by plans to improve information about Gypsies and Irish Travellers, to use it to fill gaps in the services provided and to work with Gypsies, Irish Travellers and others in the local community to improve relations. The strategy drew together the available data, background information and details on service providers, to make sure organisations in the area worked together to provide consistently good services.

However, many of the authorities with policies on public sites had not consulted on them or conducted race equality impact assessments (REIAs) before introducing them (*see chapter 3 and appendix 8*).

Of the authorities with policies on providing public sites (26.7%), just over half (57.1%) had consulted Gypsies and Irish Travellers (individually or in focus groups), and just under half (44.4%) had consulted other local residents in drawing up the policy. However, most of the consultation examples they sent us dealt with specific questions about a site, such as facilities or the use of the refurbishment grant, and not with the authority’s long-term approach to providing sites, or even to its immediate plans for providing sites. In one case study authority, plans for a transit and a residential site had been developed without any consultation with either the GTLO or local Gypsies and Irish Travellers. The GTLO was concerned that the site that councillors and senior officers had proposed would not actually meet local Gypsies’ and Irish Travellers’ needs.

Very few authorities (14.4%) had made any changes to their policies on providing public sites since May 2002, to reflect their new responsibilities under the Race Relations Act (RRA). Of those that had made changes, only four (11.8%) had carried out an REIA before changing the policy, and subsequently monitored the effects of the policy on race equality and race relations.

4.2.3 Providing sites

There are approximately 320 local authority sites in England (Niner 2002). In January 2004, the ODPM estimated that there were 5,901 caravans on public sites (residential and transit) in England. Wales has 19 local authority sites, providing about 380 pitches. Due to the discontinuation of the caravan count in Wales in 1997, there are no precise figures for caravans.

Our survey found that, although only a quarter of local authorities had a policy on providing Gypsy sites, in practice more than half (57.6%) of all the authorities in the survey said they provided residential and transit sites. The evidence collected indicated that authorities that had assessed the need for sites in their areas since May 2002 were more likely to provide public sites for Gypsies and Irish Travellers than those that had not.

a. Do local authorities meet the need for sites in informal ways?

Some local authorities allow encampments to remain on a short- or longer-term basis, provided certain conditions are met; this is usually known as 'toleration'. From the call for evidence we found that some authorities, while not officially providing any public sites, nevertheless had unauthorised encampments that had remained so long as to amount to de facto sites. Some authorities had made these sites official. In some cases, they said there was less local resistance to making these sites permanent than to any proposal for a new site. Respondents in these authorities emphasised the benefits of formalising sites: it had given the occupants stability, and an increased sense of being part of the local community, while making it easier to collect council tax (itself important in assuring the wider public of the legitimacy of the site).

In other areas, unauthorised encampments that had been in existence for a long time had not been given formal status. In some cases, this was because councillors were reluctant to be seen to be supporting formal provision, even though they recognised that there was an unmet need for sites. Significantly, some authorities with no policy on providing sites tolerated less conspicuous, unauthorised encampments and developments as a substitute for formal provision. This practice of tolerating unauthorised encampments was seen as a politically less controversial way of meeting Gypsies' and Irish Travellers' needs.

There's a kind of tolerance ... we have actually got capacity for these people [using unauthorised encampments] as transit sites without formally registering them as such. *Councillor*

You can tell us to have a policy for a transit camp and we'll have all bloody hell from the population. *Councillor*

The informal creation of sites, without any formally agreed policy to do so, therefore arose not only from recognition of need but also, at times, from a reluctance to be open about providing accommodation for Gypsies and Irish Travellers, for fear of public hostility and political controversy. In two case study areas, interviewees said that toleration was preferable to providing transit sites, as they believed Gypsies and Irish Travellers would not use official stopping places.

They [Gypsies and Irish Travellers] don't want transit sites, part of being on the road is finding somewhere to go, not having a site provided but choosing where you will stop. You get more out of informal arrangements – these are better than formalised ones, because otherwise families feel like they are being controlled. *GTLO*

The ones whom we have problems with won't use transit sites; they're just lawless. The other ones, well, we can tolerate them without sites.
Police officer

Toleration is recommended by the government for managing unauthorised encampments, not as a way of providing sites. It lets local authorities respond to encampments, balancing Gypsies' and Irish Travellers' needs with the level of disruption caused, while considering long-term solutions. However, where this strategy is used to avoid assessing and meeting need formally, evidence suggests that it can have damaging, long-term consequences for services for Gypsies and Irish Travellers, and for race relations.

Gypsies, Irish Travellers and their support groups emphasised the shortage of formal stopping places, and how difficult it was to get services on unauthorised encampments. Service providers acknowledged that unauthorised encampments provided less security and poorer long-term access to services.

We desperately need a network of transit sites. Then people can stop legally, access proper facilities and be seen to pay their way. *Local Gypsy and Traveller support group*

We've been here for ages, but still we don't have rights. They can move us on at any time. Every day it weighs on your mind. *Irish Traveller*

We found that while small, unobtrusive encampments caused few problems, large unauthorised encampments also occurred when the need for sites was not formally identified and met, and that tensions mounted, with the potential to do long-term damage to relations between Gypsies and Irish Travellers and the rest of the community (*see chapter 6*). Furthermore, the failure to explain the rationale for continuing with these informal practices created a public perception that the law is 'soft'

on Gypsies and Irish Travellers. As these policies of de facto site provision were informal, their effects on race equality and race relations could not be formally assessed.

Travellers aren't evicted fast enough. If it was me, the kettle wouldn't have boiled before the coppers would move me off. Parish councillor from an area where toleration is used as a substitute for providing sites

b. What is the quality of life on Gypsy sites, and where are they located?

Some official Gypsy sites are centrally located, within easy reach of health, education and other local services. We found that this gives their residents the chance to meet other people in the local community regularly, and to build friendly relationships. In one area, a long-term unauthorised encampment had been converted into a local authority site. It was close to community facilities, such as doctors' surgeries and schools. With help from a local Gypsy and Irish Traveller support group, the residents of the site had got to know others in the community, including representatives of local residents' associations, and had been able to discover and build on common interests. Local residents had supported the Gypsies and Irish Travellers in their campaign for better facilities on the site and when Gypsies and Irish Travellers returned to the site following its refurbishment they were greeted by a banner reading, 'Welcome Home', made by the local school and nursery.

Overall, the evidence from the survey showed that sites varied considerably in location and quality, reflecting the findings of government-commissioned research (Niner, 2002). While some sites had good facilities, living conditions on others were poor, and in many cases far below those expected in conventional housing. For example:

- some sites were in polluted environments, for example next to sewage works or under flyovers;
- others had dangerous potholes, no play facilities, and no fencing to protect children, even when they were adjacent to busy main roads;
- some had caravans parked so near each other that they contravened health and safety standards, posing a fire hazard and allowing residents little privacy;
- some were fitted with tiny amenity blocks, well below the size stipulated for other forms of social housing; and
- the facilities at some sites were out of order, with broken standpipes, unusable amenity blocks, and other problems, such as rat infestations.

One of the local authority sites we visited was three miles from the town centre. It had become run down and was in a poor state of repair. This was partly because the number of residents had increased, following the closure of a large, unauthorised encampment. The site had no suitable pedestrian access and was poorly served by public transport. It had few facilities for children and had seen management problems, with the relationship between the site warden and residents of the site particularly fraught. There had also been tensions between youths from the site and other residents in the wider community, particularly farmers and passing motorists, who claimed that objects had been thrown at their cars. The incidents had been reported in the local press, and had exacerbated local feeling.



Local authority site in urban area surrounded by garages, flyovers and motorways.

The council [Gypsy] site is situated between two landfill sites and just downwind of a steelworks. It is the worst possible location for living quarters. In spite of a high standard of cleanliness, it is impossible for this family to protect their children from the effects of the pollution. The mother has to scare away the rats in the washroom in the morning before her children can go there to wash and clean their teeth.

An individual writing on behalf of a Gypsy in response to the call for evidence

The case study authorities gave various reasons for the locations of the sites, but the predominant explanation was that only sites in undesirable areas, at a distance from services, or fully screened from public view, would be accepted by other local residents.

With sites it's not about where's the best place, but where's the least worst place. It's hard to do on a voluntary basis. The reaction is too hostile ... we wouldn't argue that it was a good idea ... If we allocate a site, the residents will be up in arms, they don't want them ... it's a big problem. *Councillor*

If John Prescott said, 'You must find a site,' we'd have to it's a tricky one. We got away with the site at ___ [an isolated location] ... we'd look for something like that ... it's about finding a site that's a buffer. *Councillor*

The location of sites had clear implications for providing services, integration and good race relations, as we show below.

- Sites located a long way from services invariably meant less contact between their residents and others in the community. People had little direct knowledge of those living on sites, and got their information from local press coverage instead, which tended to be interested only in incidents of bad behaviour by site residents.
- Because many sites were located on the outskirts of built-up areas, it was difficult for residents to use local services or take part in community events. Respondents to the call for evidence emphasised that poor public transport connections made matters worse, leading to effective geographic and social segregation. Some health workers were worried that living on polluted sites only aggravated their residents' health problems.
- Some planning and housing officers in the case study authorities told us that an extreme shortage of land meant that formerly-contaminated land was increasingly being used for all types of housing. However, others thought that only Gypsy sites would be located in these areas, contributing to the widespread perception of Gypsies and Irish Travellers as second-class citizens.

The Travellers have heard about the [site] location [on a former sewage works] and talked about living on top of a toilet. They haven't been consulted on its location. *GTLO*

- Some people from the wider community were concerned about the conditions in which Gypsies and Irish Travellers were living, but others, including some councillors and parish and community councillors, thought that since they chose to live on sites, and since suitable land was in short supply, they had to accept whatever land was made available.

If they want a place to stay they should buy a house. If they say they can't afford it, then they are no different from anyone else – it applies to everyone. *Parish councillor*

c. Do local authorities consult about their proposals for sites?

In chapter 3, we examined the arrangements local authorities had made as part of their race equality schemes to assess, and consult on, the effects their proposed policies might have on race equality and race relations. We asked whether they had consulted Gypsies and Irish Travellers about mainstream policies, as well as policies on Gypsy sites. We looked at possible barriers to consulting Gypsies and Irish Travellers and asked whether local authorities actually contributed to the problems, for example by arranging large public meetings, where discussions tended to be heated and antagonistic. In this section, we focus on consultation over proposed local authority sites, and look in more detail at any difficulties that arise.

Consultation about proposed sites is often contentious, because of strong opposition from settled local residents. Officers in many local authorities emphasised the practical difficulties they had to deal with, given the sensitivity of the issues, and the extent of public antipathy.

i. Who is consulted?

Local authorities that had made progress in this area said it was important to consult everyone involved at the earliest stage, and especially Gypsies and Irish Travellers, to make sure the site was designed to suit their needs. It was just as important to give other local residents the chance to raise any legitimate concerns, for example, over rubbish disposal, many of which could be allayed through factual information and reassurance, or through simple practical steps being taken by the authority. Local authorities that had consulted everyone early in the process thought this had succeeded in giving people a sense of ownership, and a better understanding of all sides of the debate. We found two examples of local residents' associations, which had been firmly opposed to providing sites for Gypsies and Irish Travellers, and which had changed their minds after discussions with the authority and Gypsies and Irish Travellers had assured them that their concerns would be resolved. Interviewees from these two residents' associations confirmed the key role that the consultations had played in helping them to understand the issues and reach a mutually satisfactory solution.

Gypsies and Irish Travellers responding to the call for evidence also spoke of the importance of being involved at the earliest stage in identifying sites, and then again in discussions about the layout and design of the sites. Several of the case study authorities had not consulted Gypsies and Irish Travellers about either the design or location of a site until the last stage of the process. Local authority officers explained that there had been concerns that the land might prove unsuitable, or that public opposition might bring a halt to the plans. Had the consultations taken place early on, they felt that Gypsies' and Irish Travellers' confidence in the process might have been damaged. Gypsies, Irish Travellers and their support

groups agreed, to an extent, but insisted that, unless those who were going to live on the sites were consulted at an early stage, the sites could be unsuitably located and designed, leading to even greater loss of confidence in the authority.

Some local residents had real fears about sites being provided in their area. Many who thought the local authority was not consulting them felt unprotected and vulnerable, and resisted the very idea of providing sites. Some had particular concerns, based on previous experience, others just a vague anxiety, partly aroused by stories in the local newspapers. For example, local residents referred to badly behaved children, large vehicles driving around, the risk of crime, the effect on house prices and a general fear of Gypsies and Irish Travellers.

You wouldn't want Gypsies next door to you, lowering the value of your house. *Local resident*

They're involved in crime and anti-social behaviour ... you and me have to foot the bill. They strip bits of cars and leave them for the local councils to clear up and foot costs. *Local resident*

The local authority is powerless. Everybody is frightened of them [Gypsies and Irish Travellers]. *Local resident*

There is no point having council-run sites. They will just be trashed. *Local resident*

There would be big arguments [about sites] if we have to pay for it. We need to make them responsible for their own. *Local resident*

[Gypsies and Irish Travellers are] thieves by birth ... conditioned to criminality. *Local resident*

There is violence and mess in all communities nobody is clear if most [Gypsies and Irish Travellers] are causing problems or most are carrying on their lives like the rest of us ... there's a great fear of the unknown. *Local resident*

A large section of the community is in fear of them [Gypsies and Irish Travellers] ... perhaps it would be better if sites were found away from other people. *Local resident*

ii. How are they consulted?

We found that consultation about sites usually took the form of one-to-one discussions with concerned individuals, large public meetings or smaller meetings involving officers, councillors and local residents. Local

authorities also received letters and petitions from local residents opposing sites. In several cases, local action groups and parish and community councils met councillors and officers to talk about their concerns.

We found some examples of good practice. Several local authorities in England sent us examples of their consultations with the residents of sites. Some were about preparing bids for the ODPM refurbishment grant.⁴⁵ One local authority had consulted the residents of a site about its plans for a new residential site, using a 3D-planning model to show what it would actually be like. Another authority had invited a Gypsy and an Irish Traveller with experience of identifying land for sites to visit several proposed sites with officers, and to help them identify the most suitable ones, before they drew up formal plans.

Some officers said that small and well-chaired meetings had helped the people taking part to discuss contentious issues in relative harmony. Officers said it helped to plan the consultation well, and to focus on practical matters. One local authority had had difficulties with large, and heated, public meetings, and had switched to one-to-one discussions in drop-in centres with local residents who might be directly affected by a site proposal.

However, by and large, we found that Gypsies and Irish Travellers were not encouraged to take part in consultations about sites, and that the question of promoting good race relations was not considered when planning consultations.

We found many examples of imbalanced consultation on proposals for sites, with far less weight placed on consulting Gypsies and Irish Travellers than other residents in the community. In several cases, officers and councillors said they had been persistently lobbied by certain residents or groups, and that this had delayed or halted the process for providing sites. In other cases, officers spoke of feeling under enormous pressure to take on board the views of these groups, although they said it had not affected the outcome.

There was evidence that some consultation methods were more likely to inflame public resistance, and race relations. For example, several local authorities had held large public meetings to discuss proposals for public sites. One authority sent out a letter to almost 1,000 homes and businesses in the ward where the site was being proposed, notifying them of a cabinet meeting to discuss the issue. The letter also mentioned that councillors and officers would be attending a meeting arranged by a local residents' action group, known to be vociferously opposed to the site. One officer described the way the meeting was conducted as 'an open invite for lobbying against the proposal'. No discussions were held with equality officers or the communications and consultation team when the event was being planned. Although the meeting was independently chaired, openly racist comments allegedly went unchallenged, and several of

those who were there described it as 'highly wrought', with 'rabid anti-Gypsy comments, such as 'they should all be gassed'. Gypsies and Irish Travellers present at the meeting reported fear and anxiety. Other Gypsies and Irish Travellers told us they found public meetings of this kind intimidating.

[The councillors] advised me not to speak. I was on my own ... they thought that the animosity of the crowd would have been too much and they would have just booed me down ... I was traumatised. No one stopped me being barracked. *Gypsy*

The settled community has a right to object to proposed sites, but holding public meetings is racist. If people had to send a letter, you might get about ten letters, but people come to public meetings to show solidarity. Ten times out of ten, if you ask local people if they object to a site, there is going to be an objection. *Gypsy*

Interviewees in the case study authorities and respondents to the call for evidence also said they found it very difficult to say anything in support of providing sites, or of Gypsies and Irish Travellers, in large public meetings, and in some cases had been fearful for their personal safety.

I had to have a police escort out of one meeting. After I tried to say 'these are human beings; they need decent accommodation;' I was heckled, shouted down and threatened ... I was in tears, I hadn't realised how much hostility there was. *TES officer*

Respondents to the call for evidence spoke of the damage that big public meetings could do to race relations. One GTLO described a series of heated public meetings as 'disastrous', with the hostility and tension so acute that Gypsies who had been settled in surrounding villages for many years and had felt well integrated into the local community were verbally abused and socially ostracised. One woman reportedly had a shotgun fired at her in what was perceived to be a racially motivated attack, and needed police presence to deter future attacks.

When they arrange these public meetings they just don't think about what the impact will be on the community as a whole. Trusting relationships [between Gypsies and Irish Travellers and the wider community] that took years to build up can be swept away in the tide of emotion that is raised. *GTLO*

It was clear that some local authority officers found it difficult to challenge hostile and racist comments in large public meetings. They were unable to distinguish between public opposition based on discriminatory or stereotyped views of Gypsies and Irish Travellers and legitimate concerns

based on material considerations (*see chapter 5*). Officers also felt they did not have the information and support they needed to reassure local residents that the proposed sites would be well managed.

Local authority officers said it was particularly difficult to manage consultations when councillors attended the meetings to oppose proposals from their own authority. Even when their opposition was based on matters of substance, the fact that they failed to challenge inappropriate comments from the audience meant that all opposing viewpoints became fused. There was concern among Gypsies and Irish Travellers as well as GTLOs that such meetings fuel public hostility towards residents of sites and act as a powerful barrier to providing sites, and promoting good race relations.

d. What are the barriers to providing sites?

More than a third (38.2%) of the local authorities that provided sites said they had encountered difficulties in doing so. Most frequently mentioned were: lack of suitable land for sites (78.8%); opposition from local residents (65.4%); and lack of resources to build and manage sites (51.9%). Councillors and officers in the case study authorities also mentioned the lack of suitable land and opposition from local residents as the most intractable barriers. Some councillors said these difficulties were exacerbated by the absence of a statutory duty to provide sites (*see section 2.2.4*). There was rarely a problem of sites not being used when they were developed.

Can you imagine the problems we are facing in the current climate [regarding site provision]? We don't have a duty, we don't have resources. *Chief executive*

i. Lack of suitable land

Some local authorities had been able to overcome the shortage of suitable, affordable land. For example, one district council had worked with its county council using a sieve-map technique to find possible sites, checking with the county all along that the land would be available in practice for a Gypsy site.

There was evidence that the shortage of affordable, conventional housing in many of the case study areas, combined with the need to maximise revenue from land use, or from land sold for development, could pose powerful barriers to developing sites. Gypsies' and Irish Travellers' need for accommodation was not considered a high priority, and sites brought in less income than conventional residential property or commercial development. They could also significantly reduce land values.

In several of the case study authorities, these barriers had led councillors and officers to conclude that further site development was impossible.

One local authority relied on Gypsies and Irish Travellers to make suggestions of suitable land for sites and, to date, had rejected all of them.

[The council] could have included a Gypsy site in the development. I was told it would be a blight on the area. *GTLO*

The council always tries to get the best value for the site. This is why Gypsies and Travellers lose out. *Planning officer*

Evidence from officers and councillors in the case study authorities indicated that policies and decisions on the sale of land and affordable housing affected their ability to provide Gypsy sites. These policies were not assessed for their effects on race equality and race relations, even though it was clear they had implications for the authority's ability to provide suitable accommodation for everyone. Few steps were taken by local authorities to use their planning powers to mitigate any adverse impact. A number of the case study authorities were selling land to generate income to meet general housing needs, including land that might have been suitable for sites. One authority had conducted what it thought were REIAs of these decisions, but no data had been used to inform the assessment, and none of the residents from the sites were consulted. In each case, the authority had reached the conclusion that the decision was race neutral, because 'affordable housing is available to the Traveller community'. This failed to take into account the fact that Gypsies and Irish Travellers might have a 'cultural aversion' (*see appendix 8*) to conventional housing, and might therefore be disadvantaged by a decision that reduced the chances of accommodation being provided to meet their needs.

When land had been sold for development, officers had not considered using their legal powers to promote community benefits,⁴⁶ for example, by requiring developers to set aside land for sites for Gypsies and Irish Travellers within proposed developments. Nor had they considered using their discretionary powers to sell land below the market rate, in order to remove any obstacles to providing sites, and thereby act in the interests of both the environment and the social wellbeing of Gypsies, Irish Travellers and the community at large in their area.⁴⁷ In local authorities with large areas of green belt land (green barrier in Wales), officers indicated that it would be difficult to consider using the rural exceptions policy⁴⁸ for sites (a policy which enables them to give permission for housing development in areas where it would not otherwise be permitted to meet extreme shortages), even if government guidance allowed it.

ii. Opposition from local residents

Some people in the community favoured providing sites for Gypsies and Irish Travellers, recognising that they needed accommodation. However, public resistance and the associated political controversy presented real obstacles. Many local authorities found themselves in a difficult position.

They had to balance local concerns about sites, and in some cases hostility to them, with meeting Gypsies' and Irish Travellers' needs at the same time (Niner, 2002; Crawley, 2004). In the absence of a national approach to providing sites, local authorities also feared the 'honeypot effect'; namely that, by providing sites they would attract more Gypsies and Irish Travellers to their area and, in turn, increase public hostility. Evidence from the case study authorities suggested that this view was widely held by many councillors, and some senior officers, but not by those officers who had any direct contact with Gypsies and Irish Travellers.

We need to be cautious in providing sites or else the entire Irish Traveller community could end up coming here. *Councillor*

The first authority that provides will become a vacuum ... We'd do well to look over our shoulder to Europe ... we could end up sucking in thousands and thousands of them ... we've done our share. *Councillor*

They [councillors] think they're [Irish Travellers] all going to descend from Ireland. There's absolutely no evidence. *GTLO*

All three parts of the research showed that some local authorities had taken effective approaches to building public support for providing sites. These involved the following:

- giving councillors and officers better local and national information about Gypsies and Irish Travellers, so that they were equipped to respond to public opposition;
- building bridges between Gypsies and Irish Travellers and other groups around everyday local issues, outside the divisive question of sites;
- giving Gypsies and Irish Travellers better access to mainstream services, so that they met people from the rest of the community in the daily course of their lives and built better relations with them; and
- working more closely with parish and community councillors on the question of providing Gypsy sites, by arranging visits by district



Poster put up by local residents' group.

councillors and local authority officers to parish and community council meetings, and inviting parish and community councillors to visit sites.

One local authority, realising the importance of political consensus for developing sites for Gypsies and Irish Travellers, set up an independently-chaired advisory group. Before the group met, the leader of the council made a public commitment on local television to implement the group's recommendations; one of these was for 45 more pitches in the borough. In recognition of the sensitivities involved, a joint planning forum was established, chaired by the chief executive of a local charity, and including Gypsies and Irish Travellers as well as representatives of the main political parties and parish councils. The authority encouraged everyone concerned to take part, so that they could contribute to the decision to provide sites. It was clear to the local authority that this approach made it easier to take the decision to include site development in the local housing plan, in line with ODPM guidance. The council said it still had a long way to go, but had begun putting the plan into effect and was working toward developing public sites.

Many interviewees described a history of opposition to sites, recounting previous attempts to identify locations for sites. In several cases, before the duty to provide sites was abolished in 1994, between 20 and 100 possible locations had been considered, only to be abandoned in the face of public opposition. One GTLO told us, 'Our nerve has failed us time and time again.' In predominantly rural areas, public opposition often took the form of pressure from local residents' associations and parish and community councillors.

We identified three factors that affected a local authority's ability to win local support for sites. The first, discussed above, was consultation; the second, explored in the following section, was the way existing local authority sites were resourced and managed; and the third was the role of local political leadership (*see section 2.2*). Strong local leadership in favour of providing sites, and cross-party consensus, can achieve substantial progress. Conversely, lack of political leadership, combined with local opposition to sites and unsuitable forms of public consultation, can result in a cycle of hostility and misinformation that blocks provision.

It's hard to [provide sites] on a voluntary basis. The reaction is too hostile; we wouldn't argue that it was a good idea ... If we allocate a site, the residents will be up in arms. They don't want them ... It's a big problem. *Councillor*

Several councillors, most of them in predominantly rural authorities with small ethnic minority populations, said they kept a low profile on the subject of sites, preferring informal approaches, such as allowing small, unauthorised encampments and developments to remain, to being challenged by the public. This approach was not made public. We also found examples of action by local authorities, and in particular by

councillors, that had increased public opposition to sites; for example, statements to the media opposing provision of sites for Gypsies and Irish Travellers, on principle, but without offering any sound reasons for this.

4.2.4 Management of sites

Unlike conventional housing, there is no statutory framework for managing sites for Gypsies and Irish Travellers. Nor are there any 'best value' or other national performance indicators or targets. The most recent guidance for local authorities in England on managing sites was jointly published in 1982 by the (then) Department of the Environment and the Welsh Office.

a. What arrangements do local authorities make for managing sites?

Most public sites (90.4%) were managed by the local authority for the area where they were located, or by another authority (often the county



The site has a resident warden, who tends the flowerbeds and stays in touch with the local parish council. Both the site and the village have been entered in the Village in Bloom competition.

council). Only two-thirds (69.9%) of the authorities that provided public sites said they had arrangements to monitor the standard of services for managing sites. The most common of these were inspections by the managing agency, although evidence from the case study authorities and from site visits suggested that inspections were usually informal, and only took place when triggered by complaints from site residents. In some cases there was little if any formal inspection.

We found several examples of successfully managed sites, where the quality of the site was high, services were provided efficiently, site

managers and residents had a good working relationship, and any difficulties were resolved quickly. Residents on one site with a resident site warden said they were satisfied with conditions on the site and the style of management, and were able to raise concerns with the warden, who responded promptly. The warden had made links with the local parish council and the site was described as ‘part of the village’. As well as managing the site well, the warden had created, and tended, flowerbeds, which made the external boundaries of the site extremely attractive. The parish council had liaised with the warden about entering the site, along with the rest of the village, in the Village in Bloom competition. In another local authority area, a GTLO had expanded the role of site management, by finding extra money for site managers to offer residents more help with accessing services.

However, there were also many examples of unsatisfactory arrangements for managing sites. The main complaints were about the lack of essential facilities (such as adequate fire safety equipment), poor site maintenance, and the disproportionate rent on sites (*see figure 7*). Many individuals and support groups drew attention to the comparatively high cost of utilities on sites, and expressed concern about the methods of payment. Several Gypsies and Irish Travellers contrasted these arrangements with the standards in other types of council accommodation.

Figure 7. Response to the call for evidence from a local Gypsy and Traveller support group. Comparison of the costs of living on a public site and a council house

| <i>Item</i> | <i>Pitch on public site</i> | <i>Council house (in neighbouring area)</i> |
|---|--------------------------------------|---|
| Basic rent per week | £78.41 | £51.66 |
| Master bedroom (rented mobile home) | £80.00 | £0.00 |
| Further bedrooms (separate rented caravans to accommodate older children) | 2 (caravans) at £19.00 each = £38.00 | 3 = £0.00 |
| Electricity/gas | £15.00 (in summer) | £7.80 |
| Water | £12.00 | £3.87 |
| Council tax | Band A: £12.14 | Band B: £12.64 |
| Total per week | £235.55 | £75.97 |

Several Gypsies, Irish Travellers and support groups said they had not been consulted or kept informed about important developments on their sites, including plans to build new facilities, or make changes to local services, such as arrangements for utilities payments, which could have considerable financial implications.

The electricity on site was costing them well above normal domestic rates. The impact on the people on the site was terrible. A high proportion of the Gypsies on the site were disabled, many were single parents; in other words, those who could least afford to pay extortionate rates for electricity, and yet needed it most. One man there was 82 years old and had an extremely serious heart condition. His medicine had to be stored in a refrigerator, but his family struggled to keep the refrigerator on because of the cost of the electricity; it was a source of constant worry for them. Only one family on the site had a washing machine, because no one else could afford to run one. But they were trapped; most didn't know that they were being ripped off and even those who suspected were too afraid to raise the issue. After all, they didn't exactly have any other choices of places to stay. I'm sure they're not the only ones in that situation. *Voluntary organisation*

As noted above, we found several instances where overcrowding was sanctioned by wardens as a pragmatic response to the shortage of sites, and to the wishes of site residents to stay in extended family groups (*see section 4.2.1.c*). Because of the shortage of pitches, the officers managing sites were often unwilling to draw the question of overcrowding to the attention of the authority, despite the damage it could do to the health and wellbeing of all site residents, and the increased risks, for example from fire.

In a number of local authorities responding to the call for evidence, GTLOs reported difficulties in actually obtaining the resources that had been allocated to them. They also spoke of long chains of command involving external organisations, and complicated arrangements for obtaining services, making it difficult to get these delivered promptly to the site. As there were few formal arrangements for reporting on site management, for example to senior managers or committees, and no overall performance indicators for assessing the quality of sites, this problem often remained unresolved.

In many cases a short-term approach was taken to site management, with no consideration of the effects this could have on services, on race relations and on site residents' ability to play an active role in the local community. Little thought was given to how a site would be resourced and managed once it was up and running, to keep it in a good state and ensure full occupancy. Several local authority officers reported that, once substantial resources had been invested in providing a site, the authority was keen to keep any further expenditure on site management to a minimum.

This short-term approach was illustrated by the way many problems on sites were handled. In several cases, following management difficulties, or allegations of crime and anti-social behaviour, management of the site had been outsourced, without any effort being made to ensure that the difficulties would be resolved. In one area the local authority had failed to check the external agency's track record, or set any performance indicators to monitor standards on the site. Conditions on the site were described by the GTLO as 'absolutely appalling', with broken toilet facilities, leakage of raw sewage and rat infestation. The GTLO also said that unclear divisions of responsibility between the local authority and the managing agency had made it difficult to resolve the problems.

Officers in two other local authorities reported similar situations, describing the authorities' actions in transferring management responsibility as 'hand-washing'. The contrast with the approach taken to conventional housing, where 'best value' and other local performance indicators ensure that quality is closely regulated, could not be greater.

In the absence of an overall framework for performance management, successful site management appeared to depend on the approach taken by site managers. The amount, and quality, of contact between the site manager and site residents varied greatly. In some cases there was close day-to-day contact and residents relied heavily on the site manager for support in accessing mainstream public services. In other cases there was little contact, and hence little communication, between residents and the local authority. The exception to this was when a local support group liaised with the council. These arrangements were generally informal and not secured by service level agreements.

We found several examples of local authority sites that were managed by individual Gypsies and Irish Travellers. Officers in all these authorities thought this was a satisfactory arrangement, because they imagined that site managers from these ethnic groups would be better able to understand and meet the needs of site residents. However, some Gypsies, Irish Travellers and their support groups said that, sometimes, the site manager's ethnicity appeared to be the only factor that was considered, and that local authorities had not felt it necessary to check on the actual quality of the management. Reflecting this, we found that local authority officers in other authorities had made similar arrangements, without establishing whether the individuals concerned were able to manage public sites. Some specialist officers saw these site management arrangements as effectively privatising them.

Among the sites managed by external agencies, we found none where the authority had built promotion of race equality and good race relations into the contract, and none where any resources had been allocated to this area of work. In several cases site managers were the only staff in regular contact with site residents. This meant that, if they did not voluntarily assume responsibility, for example for consultation, or for passing on information, or for encouraging good relations between site residents and

others in the local community, this work was not done. Responses to the call for evidence highlighted this gap as reinforcing the barriers that exclude Gypsies and Irish Travellers from mainstream services, and stop them from playing their rightful part as citizens in the local community.

It was evident that badly managed sites damaged relations between Gypsies and Irish Travellers and others in the community and made it harder for them to do anything together. People living next to such sites were critical, occasionally afraid of the site's residents and opposed to any more sites being developed in the area. Those living further away were aware of the poor state of the sites through the local media and were similarly opposed to providing any more sites. The response was markedly different for sites that were well managed, with neighbouring residents more likely to be supportive of them, and to see Gypsies and Irish Travellers as part of the local community. However, stories of well-run sites rarely made it into the local media. As a result, only those living near these sites had more positive attitudes, while others continued to get their information from the generally negative media coverage.

The site works like clockwork, there's very good relations with the settled community. When the [proposed] site was being developed, as part of the community consultation, all parish councils in the county were written to, to see what they thought of their nearest local authority-managed site. [The parish council's] response was that the site was part of the community; they no longer saw it as something different. *GTLO*

b. What arrangements are made for allocating pitches?

Good management of the allocation of pitches on public sites plays an important part in ensuring that sites are well run, and that the local authority meets its duties under the RRA. Section 167 of the Housing Act 1996 requires local authorities to prepare a scheme, stating their priorities for allocating accommodation, and describing the procedure to be followed. Government guidance for local authorities in England recommends an open, mainstream housing allocations system, based on a combination of need and the length of time applicants have been waiting (DTLR, 2002). However, neither the requirement under the Housing Act nor the government guidance covers sites for Gypsies and Irish Travellers.

One local authority carried out research as part of a review of its policy on pitch allocation and found that they would not be promoting equal opportunities for site residents by applying the same criteria for pitch allocation as they used for conventional social housing. This was because the long waiting lists, combined with the far lower rate of turnover than in conventional housing meant that, unless applicants were in extreme need, they would not get a pitch. So, a waiting list was drawn up, and places allocated in order of date of application. The officer responsible for

maintaining the list made sure that those wishing to add their names could get in touch easily. Everyone on the list knew their position on it, but not the names of others on the list, to guard against any risk of intimidation. Those on the list had to reconfirm their interest in remaining on the list every year. Anyone with a record of intimidation or anti-social behaviour was barred from applying.

However, information from our visits to sites and the call for evidence suggested that systems for allocating pitches and maintaining waiting lists varied considerably both within and among authorities. Not all authorities used a waiting list system. In most of the case study authorities, pitch turnover was low and lists were closed after a certain number of families had registered, because there was little chance of new families obtaining a place. This was in sharp contrast with the system used for conventional housing, where local authorities have a statutory duty to maintain a housing register, and to enter the name of every person who applies, and is eligible, for housing.⁴⁹

Some local authorities had formal policies for allocating pitches on sites, and used a system of points, based on the length of time spent waiting, health and education needs, and local connections, with evidence of anti-social behaviour or criminal activity terminating the application. Other authorities adopted more informal methods. In one case study authority, where all the pitches on a site were occupied by a single extended family, allocation was in effect in the hands of the head of the family, who decided who should get a pitch when it became vacant. This practice would be unacceptable in allocating social housing.

There was no evidence that local authorities considered the effects that waiting lists and allocation systems might have on race equality and race relations. Similarly, they rarely saw any link between the GTLO's role and the duty to promote race equality and good race relations, with the result that GTLOs and equality officers in most local authorities had little contact with each other (*see section 3.2.2.c*).

We found that local authorities that did have a formal allocation system used more informal methods in practice. For example, site residents might be given the final say as to who should be given a pitch, and might be allowed to refuse a family who met the formal criteria. Although this was clearly an attempt to keep site residents happy, it also meant that some Gypsies and Irish Travellers could be refused accommodation, regardless of their need. Some GTLOs thought a discretionary approach was helpful, but others were more critical, as they thought it could lead to a 'sons and daughters policy' (*see appendix 8*), which has been recognised in conventional housing as potentially discriminatory under the RRA, favouring one group (for example Gypsies) over another (for example Irish Travellers).

In some authorities, good management of sites, combined with efforts to promote good relations between Gypsies and Irish Travellers, had

worked. However, elsewhere, tensions between the two groups had sometimes resulted in violence, and officers were averse to placing them on the same site. Some Gypsies and Irish Travellers also preferred to live on separate sites, because of differences in family size, the number of people travelling together, travelling patterns, economic activity and cultural habits. A number of responses to the call for evidence reported instances of intimidation and violence aimed at forcing people from another ethnic group to leave the site, so that one or more extended families could control it.

In one case a family of Gypsies were chased off a site, after an Irish Traveller had threatened to take their arms off with a chainsaw. The Gypsy people didn't return to the site ... The bad elements in both communities aren't getting dealt with. *Local Gypsy and Traveller support group*

However, some support groups were worried that local authorities were effectively segregating the two groups by providing separate sites for Gypsies and Irish Travellers. One group said that tensions between Gypsies and Irish Travellers over pitch allocations on sites were linked to poor management of the sites and lack of trust or confidence in the police among both groups.

In my experience a lot of people's concerns about who is allowed onto sites are about safety. This is because sites aren't managed properly. There is a real fear about who might come on, because they [site residents] can't trust the local authority to actively manage the site, or the police to protect them. The only protection they [site residents] have is keeping known or unknown threats out. *Local Gypsy and Traveller support group*

Gypsies, Irish Travellers and their support groups, who had experience of poor site management, and particularly of anti-social behaviour and intimidation, warned that site managers with no training or expertise could harm site residents if they applied formal allocation criteria too rigidly. Some felt that site managers should be trained on good management practice by a nationally accredited body, with Gypsies and Irish Travellers also involved.

If they want to have a formal allocation policy, they should have properly trained people to manage it. They should be professionally accredited, like housing officers. *Local Gypsy and Traveller support group*

c. How is anti-social behaviour and crime dealt with?

One of the main concerns to emerge from all parts of the research, and from all categories of respondents, was about crime and anti-social

behaviour perpetrated by and against Gypsies and Irish Travellers, and the ways in which local authorities and the police responded to it.

i. Gypsies and Irish Travellers as the subject of complaints

Some people living near Gypsy sites cited crime and anti-social behaviour as their primary concerns: in particular, theft, benefit fraud, noise, cars driving fast outside sites, children hanging around outside sites and horses racing along roads. There were also some serious individual allegations of crime and anti-social behaviour. Those living further away from sites, usually with no direct experience of the sites or their residents, also voiced serious concern about anti-social behaviour, basing their views on local and national media coverage.

Many who lived near sites complained about fly-tipping, especially the dumping of commercial waste from businesses run from the sites. What also upset them was the thought that they, not Gypsies and Irish Travellers, were paying for this, as they felt that business people from these groups did not pay tax, or for the costs of clearing up their waste. They gave many specific examples of this. However, some GTLOs pointed out that people were dumping commercial waste and other rubbish on or near sites, in the knowledge that Gypsies and Irish Travellers would be held responsible. Officers said they had reported these incidents to the police, together with any information they had, such as the registration numbers of vehicles, and any documentation found in the dumped material, but that no action had been taken to prosecute those responsible.

Several Gypsy and Traveller support groups felt that the media created and reinforced public perceptions about fly-tipping, using misleading information, for example photographs of rubbish that had no connection to the site in question. Many residents from the wider community said that neither the police nor the council took their complaints seriously. In two of the case study authorities, the local authorities had not formally pursued allegations by residents of crimes and anti-social behaviour committed by Gypsies and Irish Travellers, and, as a result, there had been no clear outcome.

It happens all the time ... locks broken on sheds, machinery stolen. There's no question who's doing it [referring to Gypsies on residential site nearby]. The police just give us a crime number; most times they don't even go down to the site. As far as they're concerned it's a waste of time, they'll never catch them ... and they'll [the police] only go if there's a group of them, they're too scared to go down on their own. It'd take a lot of resources to do that every time. Local resident

Officers from a number of the case study authorities, and the police, said it was difficult to deal effectively with crime and anti-social behaviour, because they did not have enough evidence to prosecute. They said that

Gypsies and Irish Travellers on sites were not ready to report crimes or give information about those responsible.

Gypsies and Irish Travellers, and their support groups and specialist officers, were anxious that allegations of crime and anti-social behaviour were not handled properly, saying that this lowered their confidence in the police, and reinforced hostility in the public. Specialist officers said that serious incidents involving these groups had been downplayed as 'internal matters' or 'family feuding' and not investigated in the usual way.

Some said that large-scale police actions, such as raids on a site, did not target the suspects, but everyone on the site, and that, even when the raids did not lead to a single conviction, they criminalised the whole community in the public mind. One GTLO described a police raid on a public site, which took place at 5 am and involved 150 police officers. They were looking for weapons and drugs on the site, but they only found two people who had not paid parking fines, and one whose dog did not belong to them. The police had to pay compensation to the local authority for damage to the site, as they had broken into locked service areas containing cleaning materials. The raid was widely reported in the local media, casting the Gypsies and Irish Travellers in a negative light.

When they [the police] come on site and search all the trailers, it makes us all look like criminals. *Irish Traveller*

They come and search the whole site with just one warrant. Do they do that anywhere else? Would this happen on a council estate? *Gypsy*

ii. Gypsies and Irish Travellers as complainants

Gypsies and Irish Travellers on public sites, local authority staff and support groups also reported cases where Gypsies and Irish Travellers were the victims of crime and anti-social behaviour. The perpetrators were either other Gypsies or Irish Travellers or people from the wider community. They also told us about incidents of hate crime, including petrol bombs thrown on to sites, racist graffiti on sites and violent attacks on site residents, which were seen as racially motivated. The Association of Chief Police Officers (ACPO) defines hate crime as 'a crime where the perpetrator's prejudice against any identifiable group of people is a factor in determining who is victimised'.

We found some examples of good practice, where police had succeeded in winning the trust of Gypsies or Irish Travellers living on a site, sometimes helped by a GTLO or a local support group, and where the site residents now felt confident about discussing their concerns. In one of the case study authorities, the police force had reviewed the way it had handled a serious incident of community tension at an unauthorised encampment and decided to recruit a full-time GTLO for the force. Overcoming initial mistrust, this officer had forged strong links with Gypsies and Irish

Travellers on authorised sites, and in other accommodation, and had gradually begun to understand Gypsies' and Irish Travellers' perspectives on things. For Gypsies and Irish Travellers, he was a single, consistent and familiar point of contact and this helped them to communicate better with the police.

In another authority area with a large Gypsy and Irish Traveller population, the police carried out research to investigate the extent of hate crime that Gypsies and Irish Travellers were experiencing, and whether there were any obstacles to reporting such incidents. Of those interviewed, 68 per cent said they had been victims of hate crime, but did not trust the police sufficiently to report the incidents. As a result, the police produced a CD-Rom aimed at encouraging Gypsies and Irish Travellers to report hate crime. The CD-Rom featured people from both groups talking about their experiences, good and bad, with the police. It also summarised the services that Irish Travellers and Gypsies could expect from the police. Although it was too early to assess the value of this project, the CD-Rom had prompted more calls for help from local Gypsies and Irish Travellers.

However, instances of good practice were outnumbered by instances where Gypsies and Irish Travellers said that police procedures had undermined their confidence. Some said the police had done nothing to investigate allegations of serious incidents on sites by other site residents. They felt that this was because the police had not allocated resources or given priority to their complaints, and believed complaints from the wider community were handled far more efficiently. As a result, some said they would not report any more incidents to the police. When the alleged perpetrators were other Gypsies and Irish Travellers living on the same site, they said that even though they lived in a state of permanent vulnerability, they did not believe the police would protect them if they came forward as witnesses.

In around half of the case study authorities we heard that complaints of hate crimes against Gypsies or Irish Travellers in the area had not been followed up effectively. In one case, the GTLO had reported racist graffiti, but no action had been taken to remove it, even though the local authority had a policy to clean up of graffiti as a matter of priority. We also found examples of Gypsies, Irish Travellers and their support groups who had reported incidents – often through the True Vision campaign, an initiative to encourage third parties to report hate crime – but had been disappointed with both the follow-up and subsequent contact with them as complainants. Several local authority and police officers responsible for investigating complaints had either told them there wasn't enough evidence or that further action would be unnecessary.

This evidence suggests that some local authorities and police forces have not thought about what they might be able to do, within crime reduction partnerships or anti-social behaviour strategies, to prevent, identify and combat anti-social behaviour and crime, by or against Gypsies and Irish

Travellers living on local authority sites. We did not find any examples of local authorities or police forces that had given any attention to the connection between the way they handled complaints of crime and anti-social behaviour and the duty to promote race equality and good race relations.

d. Do local authorities fully or partly close sites?

Annual figures from the ODPM show that pitch and site closures are rare. Some local authorities are indeed committed, in line with guidance from the ODPM and Welsh Office, to keep all existing sites. We found some examples of local authorities that had worked hard to do this, in the face of considerable pressure to use the land in other ways. One authority had decided, at significant cost, to keep a Gypsy site in an area of major redevelopment, because the needs of those living there would remain, and it would be difficult to find an acceptable, alternative site.

However, the evidence from the case study authorities and the call for evidence indicated that some authorities were closing sites or removing pitches, and that this could have significant repercussions on access to services, and on race relations. Sites were usually closed following vandalism or allegations of anti-social behaviour and, in several cases, prolonged periods of reportedly poor or under-resourced site management. In some cases, the police and local authority said that they had been unable to charge the individuals responsible and remove them from the site, and so had resorted to either temporary or permanent site closure. The local media had covered these cases and some of the authorities concerned had issued press releases linking the closure to anti-social behaviour and crime by its residents, even though the police had brought no charges.

We also found instances of 'informal' site closures. As pitches were vacated, they were simply not reallocated, or not maintained to acceptable standards. We did not find any examples of local authorities giving any thought to the effects of these decisions on promoting race equality and good race relations. It was clear that some local authorities had in effect closed sites without considering how their decision would affect local Gypsies' and Irish Travellers' access to suitable accommodation and other basic services, or taking steps to mitigate any adverse impact. Nor had they thought about the consequences for the wider community of unauthorised developments and encampments. Finally, local authorities had not considered the implications for race relations of the decision itself, or of the way in which it was carried out and communicated to the public.

We found no evidence that local authorities involved in closing sites had looked at the possible effects on race relations in other local authorities of their decision to close a site for which they were responsible. In one authority, two sites were closed, reportedly as a result of poor management, within two years of being opened, and after £2 million of

grant funding had been spent on them. Around 50 pitches were lost and most of the people who had been living on them moved to an unauthorised development. Tensions between those already living on that development and the rest of the community, already high, were exacerbated by the rising numbers. In one three-month period, one in four calls to the local council was about Gypsies and Irish Travellers.

If sites aren't maintained they can't be retained. If you get the initial hype of the site being opened, and then it gets trashed and closed, it will be dreadful for race relations. It strengthens resistance at all levels. Site management is the key. *GTLO*

We also found that some local authorities had decided to relocate sites without consulting their residents, or in some cases even informing them directly of the decision. For example, Gypsies and Irish Travellers had lived on one local authority site for over 20 years, their children were settled in schools and they were seen as part of the local community. The council decided to relocate the site, without consulting the residents, who were left uncertain about their future, and ignorant about the council's intentions.

In another case the council had proposed relocating a site to a contaminated area, without consulting the residents, although it had begun consulting publicly on the unitary development plan (*see appendix 8*). In neither case had the council assessed its decision in the light of its consequences for race equality and race relations.

e. Do local authorities consider promoting good race relations as part of the site's management?

Just under half (48.5%) of the local authorities that provided public sites said they took positive steps to promote good relations between the sites' residents and others in the community. Examples of the steps included: meetings with councillors, MPs and the police; talks at schools and churches; visits to local sites by councillors; and bus services between the sites and the rest of the neighbourhood. One local authority had included a community centre in the design for a new site, making it easier to consult Gypsies and Irish Travellers. Other service providers also used the centre as a venue for discussions with site residents. Some authorities had helped site residents to set up residents' associations, so that they could meet their counterparts in conventional housing to talk about common concerns.

However, most of the other examples represented a less than comprehensive or practical approach to promoting good race relations. For example, they included one-off events on Gypsy history, such as exhibitions or multicultural book fairs, including books on Gypsies and Irish Travellers. While some local authority officers thought this helped to raise local awareness, other specialist officers and support groups said it failed to tackle the practical problems that were causing tensions. They

also dismissed the initiatives as being short term, and unlikely to create more enduring relationships between Gypsies and Irish Travellers and others in the community.

The vast majority of examples in this area concerned work done by TES or GTLOs, and were not connected with wider work to promote community cohesion. Data from the survey showed that authorities that had GTLOs were more likely to have taken steps to promote good race relations, although this depended almost entirely on the individual officer, and on the authority's approach (*see section 2.2.2.c*). We also found evidence that local support groups for Gypsies and Irish Travellers, and other organisations, particularly faith groups, played an important role in promoting good race relations, even though they had no legal responsibility for this. In one area, the Catholic church had taken small-scale initiatives, and had made regular positive comments in the local press about the local site. Often, this work was done without any assistance from the local authority.

Some GTLOs and other local authority officers reported resistance to promoting good relations between Gypsies and Irish Travellers and others in the community. Interestingly, some parish and community councils, which have a duty to promote good race relations, had been opposed to it.

One parish council approached me and asked if we had plans to build a children's playground on site. I thought it was great that they were showing concern for the welfare of the Travellers. But then I asked why they were enquiring and they told me that the children from the site were using the village playground and playing with the local children and they [the parish councillors] didn't want that to continue. *GTLO*

In other cases, Gypsies or Irish Travellers or others in the community had themselves resisted efforts to bring them together. On the part of Gypsies and Irish Travellers, this was because they wanted to protect their way of life, particularly their families and family values, against what they saw as a hostile environment.

We are not into integration. Integration would crumble our culture.
Gypsy

Their [non-Gypsy] society is full of drugs and immorality. We want to protect our young people against that. *Gypsy*

Gypsies and Irish Travellers also gave examples of reluctance in the wider community to have anything to do with them, despite efforts on their part. One local voluntary organisation set up a 'Good Neighbours' scheme, whereby a committee of local people shared mobile phone numbers and offered to help one another with everyday jobs, such as

changing electric plugs or giving each other lifts. Gypsies from a local site tried to join the scheme, but, even though they offered to do various jobs, they were turned away.

4.3 Summary and conclusions

Some local authorities had made considerable progress in satisfying the need for accommodation among all groups, including Gypsies and Irish Travellers. Strong local leadership and involvement with local communities at an early stage had played an important part in this. Authorities had recognised the importance of thorough planning from the outset, and had looked at both how they would develop sites and manage and resource them as long-term investments in the community. This led to better integration of sites, and more positive relations between their residents and others in the community.

However, in general, our findings showed that, despite the government's guidance that local authorities should plan for and provide sites for Gypsies and Irish Travellers in a similar way to other types of accommodation, the way local authorities developed and ran sites stood in stark contrast. The most common reason given for not treating the need for sites and the need for conventional housing in the same way was lack of evidence of need. But many local authorities failed to assess this need, or adopted far less proactive strategies for doing so than for conventional housing.

Compared to the holistic approach to conventional housing, policy on providing sites for Gypsies and Irish Travellers was separated from other areas of policy and practice, and the approach to it was ad hoc and short term. Many local authorities did not have a formal policy on providing public sites for Gypsies and Irish Travellers, and where they did have one, it was not linked to their policies on planning, unauthorised encampments, conventional housing, health and education. This meant they were unaware of how or why their own policies and decisions were directly undermining their ability to provide sites, and adversely affecting a particular racial group as a result – for example, most notably, their decisions to use land for other purposes – or whether they were justified. Authorities did not have a performance management framework for the design, provision and management of sites. Many sites were poorly located, overcrowded and had unacceptable living conditions. In many cases, once sites had been provided, little thought was given to how they would be maintained, or the consequences for Gypsies and Irish Travellers living there, or for race relations.

The majority of local authorities had taken no steps to find out how their policy on public sites was affecting race equality and race relations. Although local authorities were aware of tensions in the community over

sites – indeed, this was cited as a key obstacle to providing them – they did nothing to investigate or deal with the root causes of people’s unhappiness with the situation. Few made the effort to consult people from different groups regularly, and in ways that encouraged interaction and better understanding between them, outside the divisive context of site provision. Most local authorities did not consider the effects that geographical location, quality and design of sites might have on opportunities for interaction between Gypsies and Irish Travellers and other groups, nor the message this conveyed about their commitment to race equality.

Inadequate management of public sites, including the failure to tackle anti-social behaviour consistently, poorly planned and unbalanced public consultation, and negative press statements reinforced community tensions and translated into intense public pressure on local councillors to resist providing sites.

4.4 Recommendations

We recommend the following as specific measures for the organisations listed below. A list of all recommendations in the report can be found at appendix 1.

Local authorities should:

- Conduct a reliable and full assessment of the need for residential and transit sites (as required by the Housing Act 2004), by making sure that questionnaires take account of Gypsies’ and Irish Travellers’ cultural traditions, and that staff responsible for the assessment have been trained to understand the needs of these groups, both on sites (including private and public sites, and unauthorised encampments) and in housing.
- Put arrangements for long-term, ‘tolerated’ unauthorised encampments on a formal basis, to make sure their occupants have secure accommodation, and to promote good race relations.
- Review the quality of sites, and arrangements for managing them (including allocation policies, repairs services and the costs of utilities), to ensure that they are providing essential services, and at standards comparable to those in conventional social housing.
- Develop sufficient residential and transit sites, selecting locations that will facilitate interaction between Gypsies and Irish Travellers and others in the local community.
- Consult everyone concerned at the earliest stage of developing a site, and make sure all stages of consultation on unauthorised encampments, and

proposed public and private sites, allow Gypsies and Irish Travellers, as well as other members of the public, to take full part, are effectively chaired, and contribute to good relations between different groups.

- Assess the possible consequences that proposals to sell land that might be suitable for sites, or to close sites, or to reduce pitch capacity, or to relocate sites might have on services for Gypsies and Irish Travellers, and on race relations.
- Develop formal policies on pitch allocations for all new sites, similar to those for conventional housing, and draw up a reasonable timetable for extending the policies to existing sites.
- Make sure job descriptions for managers of public sites, whether employed directly or by other organisations, have the skills and resources to do their job effectively,⁵⁰ and to promote good race relations.
- Include and monitor race equality and race relations requirements at each stage of the procurement process for contracts with external organisations to manage sites,⁵¹ and introduce a regular system for reporting on shortcomings and progress.

Police forces should:

- Include Gypsies and Irish Travellers in mainstream neighbourhood policing strategies, to promote race equality and good race relations.
- Target individual Gypsies and Irish Travellers suspected⁵² of anti-social behaviour and crime, on public, private and unauthorised sites, and not whole communities and work with people from these groups and local authorities to develop preventive measures.
- Treat Gypsies and Irish Travellers, both when they are victims and suspects, as members of the local community, and in ways that strengthen their trust and confidence in the force.
- Provide training for all relevant officers on Gypsies' and Irish Travellers' service needs, so that officers are able to do their jobs more effectively, and promote good relations between all groups in the community they serve.

Chapter 5

Planning

5.1 Introduction

This chapter examines Gypsy site planning policy, individual applications for private sites and enforcement of planning laws and regulations. Publicly owned and managed sites and the assessment of need which will in future be central to planning policy for all sites, are discussed in chapter 4. This chapter answers the following questions:

- To what extent do local authorities build the promotion of race equality and good race relations into planning policy and practice?
- How is planning policy on Gypsy sites developed, and does this include local consultation, race equality impact assessment (REIA) and subsequent monitoring?
- Do local authorities advise applicants on suitable locations for sites and help them to make applications?
- How do local authorities deal with racist representations?
- How do planning committees decide on applications?
- Do local authorities take enforcement action against unauthorised Gypsy site developments, and, if so, does the promotion of race equality and good race relations influence their decisions, how they implement them and communicate them to the public?

People from different racial groups may have different needs in respect of planning policy and services. For example, they may require a certain type of accommodation, or need help with English to access and make full use of planning services. As noted in chapter 3, Gypsies and Irish Travellers have a cultural tradition of nomadism, and may need land where they can put their caravans in the long term or temporarily, with access to services. They may also need larger properties, due to family size.

As guidance from the Office of the Deputy Prime Minister makes clear (ODPM, 2005a), race equality should be at the heart of the planning service if it is to provide quality services that meet the needs of all groups in the community. However, research commissioned by the ODPM before this guidance was published found that planning officers did not

generally consider equality and diversity as being relevant to their work (ODPM and Sheffield Hallam University, 2004). Rather, planning was seen as race neutral, because its subject was land, and not people. The risk of this approach is that it could fail to recognise the barriers to accessing services that people from some racial groups face or appreciate the particular, possibly adverse, effects of planning policies and decisions on certain racial groups, such as Gypsies and Irish Travellers. This is because, although Gypsies and Irish Travellers often require a different type of accommodation to other groups, that is, sites, there may be other ways in which they are subtly disadvantaged, not linked to the type of accommodation they require. If the focus is only on land use, differences will be explained solely in these terms, while other aspects of policy that may systematically disadvantage these groups remain unaddressed.

Gypsies and Irish Travellers need planning permission from their local planning authority (LPA) to set up a private Gypsy site on land they have bought.⁵³ The LPA must base its decision about whether to grant planning permission on whether the application complies with the policy in the local development plan, unless material considerations indicate otherwise.⁵⁴ The policy on Gypsy sites within the local development plan will therefore determine applicants' chances of success. When the statutory duty to provide Gypsy sites was repealed in 1994, one of the (then) government's aims was to change the emphasis from public to private provision, to reflect many Gypsies' and Irish Travellers' preference for small, private sites. Government guidance therefore advises local authorities to identify suitable locations for Gypsy sites in their local development plan, or, failing this, the criteria against which applications to develop sites may be assessed. It also recommends that authorities offer advice and practical help with planning procedures to applicants for Gypsy sites.

However, as research (Wilson, 1998) has found, the vast majority of local policies contain criteria alone, rather than possible locations for sites (*see section 5.2.2.b*). Other research also shows that Gypsy sites are far less likely to obtain planning permission than other types of development (Williams, 1999). A recent select committee inquiry into Gypsy sites found widespread problems in the current system of planning for Gypsy sites, and recommended reform (House of Commons and ODPM, 2004).

To deal with these concerns, which were emphasised in a recent policy review, the ODPM is now changing planning policy for Gypsy sites within wider legislative changes on planning policy.⁵⁵ The central aim of these legislative changes is to make planning more responsive to the needs of the community. Local communities must now be brought into the planning process at an early stage of any proposed development and LPAs must produce statements of community involvement explaining how this will be done. There is also a new regional framework for planning (*see section 1.3*). At the time of writing, the ODPM was finalising guidance for local authorities in England on planning for Gypsy sites within this new system (guidance for authorities in Wales was planned to

follow). This will make clear that Gypsy sites should be treated on a par with other types of accommodation. In particular, it will remove the option of stating the criteria for assessing applications instead of identifying specific locations for sites, permitting the use of criteria only to assess applications that could not have been planned for.

By law, Gypsy sites may be set up without prior permission, provided an application is made retrospectively; this is the case for all types of planning application.⁵⁶ But if no application is made or the application is unsuccessful, LPAs can take enforcement action to prevent development proceeding or to restore the land to its former state. They can issue an enforcement notice, seek a planning injunction or issue a stop notice to prevent further development before the period for compliance with an enforcement notice expires. In recognition of the need to prevent unsuitable Gypsy site development in the short term, new, short-term enforcement powers have recently been granted to local authorities in England. The government advises local authorities to resolve all breaches of development control through negotiation, wherever possible.

5.2 The findings

5.2.1 Planning, race equality and good race relations

We collected some examples of good practice showing that local authorities had tried to promote race equality and good race relations through their policies on planning. One authority had discovered, on analysing its ethnic monitoring data, that there were significantly higher refusal rates for Asian applicants than other applicants. It then commissioned research to investigate the disparities, and consulted ethnic minority applicants. As a result, the authority appointed a 'place of worship liaison officer', to help potential applicants find suitable property. Refusal rates for Asian applicants are now similar to those for other applicants.

Some of the good practice had been developed in relation to Gypsies and Irish Travellers. As part of its work on reaching ethnic minority communities, one local authority had provided funding to Planning Aid and a local Traveller support group, to encourage local Gypsies and Irish Travellers to get involved in consultations on planning matters.

In general, however, good practice in promoting race equality and good race relations was rare, with many local authorities failing to link their planning policy and practice to measures to meet the duty under the Race Relations Act (RRA). Planning was largely seen as a question of land use, despite the ODPM guidance, and this was especially apparent when it came to planning for Gypsy sites. We found from our survey that less than

half of local authorities with responsibility for planning (42.4%)⁵⁷ identified planning as a relevant function in their race equality scheme (see section 3.2.2.b). This was reinforced by the evidence from the nine case study authorities. For example, planning officers from several of these authorities told us that, since Gypsy sites were materially different from other types of development, policy and practice towards them was obviously different, regardless of ethnicity.

This problem appeared to be exacerbated by the statutory definition of 'gipsy' in planning legislation, which is distinct from the definition of Gypsy as an ethnic group and is used to characterise anyone with a 'nomadic habit of life, whatever their race or origin'.⁵⁸ In practice, planning officers used the statutory definition when dealing with Gypsy sites, overlooking the fact that most applicants for Gypsy sites were ethnic Gypsies and Irish Travellers, and that this had implications for race equality and race relations.

Even when they did recognise that Gypsies and Irish Travellers were racial groups, planning officers stated that differences in policy were not *due to the fact* that the applicants were from a different ethnic group. They had not considered that, although policies did not differ *because* of race, they might even so have a particular negative effect on Gypsies and Irish Travellers, which could not wholly be explained by differences in land usage.

The absence of any links between planning policy and practice and the duty to promote race equality and good race relations may be explained by the training planning officers received on race equality and diversity. Only a small minority of the planning officers we spoke to in the case study authorities could recall being trained on the duty. Most of those who had received training commented that it was general, rather than specific training related to planning, and that it had lacked any practical relevance. All said they would welcome more specific training. The same lack of linkage was found in the evidence on whether planning policies for Gypsy sites had been monitored, assessed for their effects on race equality and race relations and consulted on, as required by the duty.

5.2.2 Planning policies for private Gypsy sites

Government guidance (DoE, 1994) current at the time of the inquiry allowed local authorities to develop criteria against which to assess applications for private sites, rather than identifying specific locations for sites in their plans. These approaches have important differences. If specific locations have been identified, it is clear to Gypsies and Irish Travellers where they should buy land for a site, if they are to get planning permission. But it is also just as clear to everyone else where sites are being proposed, and this could stimulate opposition. One planning inspector has clearly articulated the distinction between the approaches: 'There

may be all the difference in the world between abstract policy criteria which hurt no-one; and concrete proposals for specific locations, whose likely effects – favourable and adverse – are clear to all.’

If a local authority chooses to develop criteria rather than identifying locations, it is important, in the interests of certainty for all involved, that the criteria are clear and realistic. In the absence of both identified locations and clear criteria, it is likely that unsuitable applications will be submitted, which can lead to long and costly appeals. Furthermore, lack of openness about the process reduces public confidence in the system. In the survey we asked whether local authorities had planning policies for Gypsy sites, and how they were developed, and in the case study authorities we examined some of those policies.

a. Do local authorities have planning policies for private Gypsy sites?

A significant majority (83.9%) of local authorities with responsibility for planning issues told us they had either adopted or were developing a planning policy for private Gypsy sites. The remainder gave various explanations for not having one. Eleven local authorities told us that planning for Gypsy sites was covered by other policies, including, for example, those on the green belt (green barrier in Wales), housing, caravan sites and special housing needs. Nine local authorities said there were no Gypsies or Irish Travellers in the area, while others suggested that this was not a relevant issue for them, as they did not perceive, or had not identified, a need for Gypsy sites, or had not received any planning applications for them.

As far as I am aware, the only issue with Gypsies locally is the short-term trespass that takes place occasionally on sites such as the Cattle Market (now being redeveloped) and car parks. These are generally dealt with in liaison with the police. *Local authority response to the survey*

Traditionally the borough has not been an attractive destination or through route for Gypsies or Irish Travellers. Our policy has been to keep a watching brief. *Local authority response to the survey*

b. What do the policies contain?

Many authorities submitted examples of their planning policies along with their responses to the questionnaire. We found the following patterns:

- most of the policies were based on criteria, and did not identify locations;
- the criteria were often unspecific,⁵⁹ meaning that, even when an authority had a planning policy for Gypsy sites, it was unclear how applications would be assessed objectively in practice;

- the criteria sometimes made planning permission conditional on the proposals being compatible with other policies in the development plan, so that the planning policy could be understood only in conjunction with others; and
- the criteria were sometimes contradictory, so that compliance with one criterion made it difficult to comply with another.

Planning policies in the case study authorities reflected the patterns above. We found from interviews that there were several barriers to developing location-based policies in practice. In three authorities, planning officers said they could identify where in their district an application would stand the best chance of success, but in all three cases they gave reasons for not identifying these areas in their plan. One said the areas of land were too small to be represented in the plan, two said that local councillors and residents would object to land being earmarked for Gypsy sites, even though it was potentially suitable. Officers in several authorities said they preferred a criteria-based approach, since it gave them the flexibility to pass applications for small and unobtrusive Gypsy sites without attracting the widespread public criticism that a location-based policy would inevitably draw.

c. Do local authorities monitor, assess and consult on their planning policies?

The majority (87.6%) of local authorities with planning policies for Gypsy sites had developed them since 1996, and almost half (49.4%) since May 2002, by which time authorities were legally required to have a race equality scheme. Only a quarter (24.2%) of authorities said the duty to promote race equality and good race relations had affected this area of policy. The most important reasons for this were, in order of importance:

- wanting to be seen to be complying with the relevant legislation (85.2%);
- recognising the needs of Gypsies and Irish Travellers (77.6%); and
- being a forward looking organisation, and wanting to set an example to others (66.6%).

Legal challenges were far less prominent as a reason for any shift in policy.

We found little evidence of action to support the claim that the duty to promote race equality and good race relations had made a difference to planning for Gypsy sites. Only 5.8 per cent of local authorities with responsibility for planning said they had made specific changes to their planning policy on Gypsy sites since May 2002 (when the duty came into force) because of the duty to promote race equality and good race relations. There was no evidence of how the duty had influenced these changes.

We found little evidence that authorities were taking steps to meet the specific duties under the RRA. Local authorities are legally responsible for making arrangements to conduct, and consult on, REIAs of proposed policies that are relevant to race equality and race relations. An REIA is a way of systematically assessing the effects that a proposed policy is likely to have on different racial groups, and on relations between groups. Authorities are also required to make arrangements to monitor the effects of current policies on race equality and race relations.

We found that, while 25.6 per cent of local authorities had made changes to their planning policies for Gypsy sites since May 2002, only two authorities (3.5% of the total) had carried out an REIA of their policy before changing it. Only 1.8 per cent of authorities with responsibility for planning had monitored the effects of this policy on race equality and race relations. This meant they had no way of telling how their policy and practice might affect Gypsies and Irish Travellers who were seeking planning permission for sites, or relations between these and other groups. The failure even to consider the question of race relations was remarkable, since nearly half of the authorities with responsibility for planning (49.8%) had experienced planning problems in connection with Gypsies and Irish Travellers in their area. Furthermore, of the two-thirds of authorities that spoke of local tensions over Gypsy sites, around half gave planning matters as the cause.

It was clear that many local authorities had faced difficulties in consulting over their planning policy for Gypsy sites. Both the case study authorities and people responding to the call for evidence said that fierce public opposition to the idea of Gypsy sites had led to confrontational situations, and we found examples of consultation that had worsened local race relations (*see chapters 3 and 4*). Moreover, authorities that consulted on their planning policy for sites were much less likely to consult Gypsies, Irish Travellers or their support groups than other local residents, the police and landowners (*see figure 8*).

Obstacles to consulting Gypsies and Irish Travellers in general are considered in chapter 3. On planning policy, in particular, planning officers said they had difficulty developing relationships with local Gypsies and Irish Travellers, usually because there were no local support groups to mediate. However, by and large, planning officers tended to think of 'consultation' as the process of inviting responses to a proposal, rather than as actually receiving feedback or otherwise engaging with people who had an interest in the policy, as many of the examples they submitted showed.

Figure 8. Groups consulted on Gypsy site planning policy (%)

| <i>Groups consulted</i> | <i>% of authorities</i> |
|---|-------------------------|
| Local residents (non Gypsy and Irish Traveller) | 58.3 |
| Police | 51.6 |
| Landowners | 48 |
| Local Gypsy/Traveller support groups | 28.6 |
| Local racial equality councils | 11.7 |
| Individual Gypsies and Irish Travellers | 15.7 |

Base: 187

We have consulted the Gypsy Council and the CRE at each stage of consultation within the local plan process and have never received any comments. Based upon this, the local plan contains no policy for the provision of sites within its administration area. *Local authority response to the survey*

National support groups told us they received many invitations to respond to consultations on local plans, but said they did not have either the resources or enough local knowledge to get involved. As a result, there was very little consultation with local Gypsies and Irish Travellers on authorities' planning proposals.

Our research did not look in any detail at changes to the planning system under the Planning and Compulsory Purchase Act 2004, which include 'front loaded' consultation with the community, to make sure the needs and views of different groups can be considered at the outset; and a requirement that LPAs prepare statements of community involvement (SCIs) (*see appendix 8*). However, with so little meaningful consultation with Gypsies and Irish Travellers taking place, it is very possible that these groups may not benefit from the changes, as some of the evidence submitted with the questionnaires suggested. As an example of good practice, one authority gave us an REIA of a planning policy, which included a copy of an initial race equality screening of the SCI. The brief assessment concluded that the local development plan, including the policy on Gypsy sites, was not sufficiently relevant to race equality and race relations to proceed even to a partial REIA. This left us with mounting concern that there might be a more general problem of authorities failing to see that this policy is highly relevant to ensuring equality in the planning system, and that Gypsies and Irish Travellers should be contributing to local planning policy.

Some of the interviews also suggested that there might be another risk to race equality and race relations under the new system, namely that local opposition to Gypsy sites can now be expressed at an earlier stage. Imbalanced consultation, combined with authorities' failure to think of ways of promoting good race relations, may serve to increase local opposition to Gypsy sites and aggravate community tension.

5.2.3 Planning applications

a. How many applications do local authorities receive?

A total of 98 (43.9%) local authorities in our survey with responsibility for planning had received planning applications for Gypsy sites since April 2001. The number of applications they had received for Gypsy sites in that time varied considerably:

- most (88.7%) had received 10 or fewer applications;
- the average number of applications was just over five;
- only eight had received more than 10 applications;
- the greatest number for a single authority was 57;
- around half (52%) said the number of applications each year had remained constant since April 2001; and
- just under a third (30.6%) said the number had increased.

These trends were also reflected in the data from the case study authorities.

b. Do local authorities assist Gypsies and Irish Travellers with applications?

Government guidance (DoE, 1994) recommends that authorities offer advice and practical help with planning procedures to Gypsies and Travellers who want to acquire their own land for development. The aim should be, as far as possible, to help applicants to help themselves, by finding suitable sites and avoiding breaches of planning control. The guidance advises that, while applicants should be responsible for consulting authorities on planning matters before buying land to develop as a Gypsy site, they should also be encouraged to do so. Early discussions before any application is submitted are particularly important, to avoid misunderstanding. In particular, questions of road access, the availability of services, potential conflict with statutory undertakers⁶⁰ or agricultural interests and any significant environmental questions should be resolved as soon as possible.

LPA's are not responsible for the quality of planning applications, but they may find it necessary to offer practical support, to reduce the effects of any disadvantage, such as low literacy levels, that may lead to racial inequality.

i. Assistance with finding locations for sites

Several local authorities had helped Gypsies and Irish Travellers to find suitable land to buy. One had encouraged prospective buyers to talk to the planning department about whether the land was suitable for developing as a Gypsy site. Gypsies and Irish Travellers frequently took advantage of this and acted on the advice they received. Officers said this was the best approach for all concerned: it meant the authority could avoid the potential expense of planning appeals, and buyers would not waste their money on unsuitable land and legal fees. The officers had built up a relationship of trust with local Gypsies and Irish Travellers over a number of years and saw this as a crucial reason for the system's success.

There were other examples of good practice, but the overall picture was not positive. Significantly, only 22.3 per cent of the local authorities that had received planning applications for Gypsy sites (approximately half of those with responsibility for planning applications) always or often helped to find suitable land. At the same time, of the 111 authorities that said they had experienced difficulties with planning for Gypsy sites, just over half (51%) said the applications were for sites in unsuitable locations. So, most LPAs not only did not have policies that identified suitable locations for sites, but they did not even help Gypsies and Irish Travellers in practice to find suitable land, in full knowledge of the problems this caused.

Many Gypsies, Irish Travellers and their support groups who responded to the call for evidence mentioned difficulties in finding out where to buy land. Some said they had approached planning officers for advice, but had been disappointed by the advice they had received; although planning officers had suggested a good place to buy, they could not guarantee that a planning application would succeed in this area, and in some cases those relying on the advice had been unsuccessful. Clearly planning officers cannot guarantee outcomes, but their inability to do so undermines the trust and confidence they are trying to encourage local communities to have in the authority. Other Gypsies and Irish Travellers had no direct experience of dealing with planning officers, but avoided seeking advice, as they did not think it would help them. In some cases, individuals said they thought that engaging with planning officers, and being open about their proposed applications from an early stage, would actually lessen their chances of success. Not only did some distrust planning officers and avoid approaching them for advice, but some even said that they avoided buying land in their own names, purchasing it rather through agents, because they believed public resistance to Gypsy sites to be so great that, if they were to be open about their identity and their plans for a Gypsy site, the vendor would refuse to sell the land to them.

We do buy up like that [via agents], we have to. The minute they find out we're Gypsies we don't stand a chance. If he'd [the vendor] known we were Gypsies, he'd never have sold it to us. *Gypsy*

You ask them [planning officers] a simple question, like whether the land will pass. They won't answer you straight ... If they had, it might have been different, but we've spent all our money on trying to get planning permission, sold the caravan and the car and ended up with nothing. *Irish Traveller*

ii. Assistance with making applications

While only 22.3 per cent of local authorities always or often gave advice on where to buy land for Gypsy sites, they were more likely to offer other forms of advice. Over two-thirds (64.2%) always or often gave advice on preparing planning applications and 45.2 per cent always or often gave practical help in filling out the application forms. In other words, authorities were more likely to offer assistance in the later stages of a planning proposal, once land had been bought.

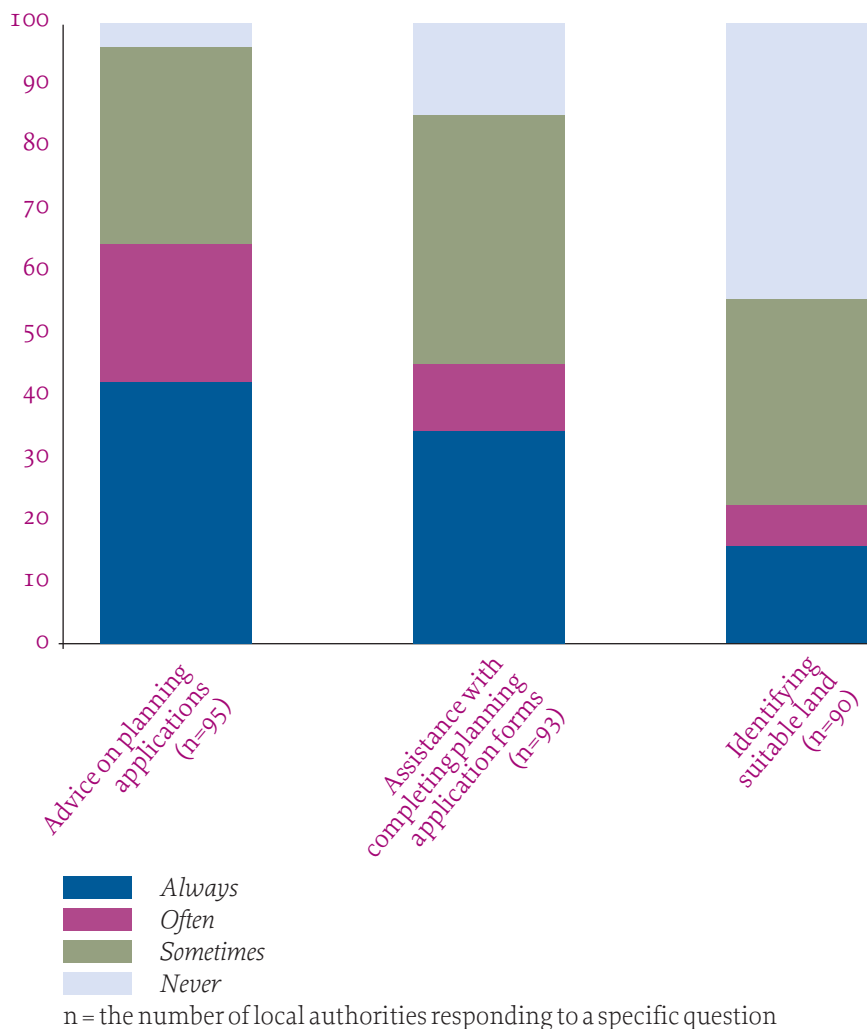


Unauthorised development awaiting appeal for planning permission.

In the case study local authorities, several planning officers said that planning applications for Gypsy sites were often poorly prepared, with important supporting information missing. Some also said that Gypsies and Irish Travellers had been poorly advised by some planning agents, but we did not find any steps being taken to deal with this.

Although two-thirds of the authorities had said they offered practical advice, we found, from all three parts of the research, that they did not often publicise this fact, and that any information was not available in an accessible format. Several Gypsies and Irish Travellers responding to the call for evidence said they found the planning process complex, but

Figure 9. Assistance with Gypsies' and Irish Travellers' planning applications (%)



received little support in preparing applications. This problem was certainly not unique to these groups, but it may be exacerbated by the relatively low literacy levels among Gypsies and Irish Travellers, and the fact that they do not have access to the internet, neither of which is generally taken into account by local authorities when deciding on the format in which advice should be presented.

We found that, as with advice on where to buy, Gypsies and Irish Travellers were reluctant to ask for advice on preparing applications, because they did not trust the authority. As many applications were made retrospectively, the first point of contact between applicants and the planning department was likely to be with enforcement officers. Some Gypsies and Irish Travellers told us that the confrontational nature of this initial contact had made them less willing to engage with planning officers in the future.

Just today I was coming in the gateway when I saw four men in a car, the car was parked, they were out walking about. So I asked them who they were. They would not tell me. Just kept making some remarks about me to each other. So I rang my legal department – they did not want to speak to them, but they did, and said they [planning enforcement officers] were sent out by the local authorities, for what we still do not know. Is this what they call working together? *Irish Traveller living on an unauthorised development*

The evidence showed that some Gypsies and Irish Travellers had set up sites before approaching the planning department or seeking planning permission. They told us this was because they thought the system was so heavily weighted against them that they would stand a better chance of getting permission if they were already established on a site when their application was assessed. Not unreasonably, local planning officers said this put them in a difficult position.

Maybe we do play the system [moving in on a Friday afternoon], but it's only because we feel that we haven't got any other option. We know we won't get dealt with fairly if we go to the council [beforehand]. *Gypsy*

It's hard to provide assistance at an early stage to those applicants who post their planning application on a Friday afternoon and arrive on the site without planning permission later that evening. *Planning officer*

c. How do local authorities deal with objections to planning applications?

The right of individuals to comment on any proposed development is central to the integrity of the planning system and must be protected by planning authorities. However, it is important that only those objections to planning applications that are made on valid (that is, material) grounds are taken into account, and that any objections based on racial prejudice are identified and challenged. This process is necessary to ensure that the system treats all applicants fairly, and does not discriminate against applicants by considering objections that are not well founded. The process of challenging those who bring pressure on a local authority to discriminate unlawfully, and of investigating representations believed to be racist can also be important in building public understanding, tackling misconceptions and promoting good race relations.

The RRA makes it unlawful for an individual or organisation to apply pressure (*see appendix 8*) on a local authority to discriminate on racial grounds. The local authority may also be liable if it does not resist the pressure. Local authorities should refer any suspected cases of unlawful pressure to discriminate to the CRE, which has the power to take action. In 1981, the CRE conducted a formal investigation into the acts of councillors and individuals who placed pressure on a council not to

house Gypsies in their area. The CRE found that several of the individuals concerned had been in breach of the RRA (CRE, 1981).

The Royal Town Planning Institute (RTPI) has produced guidance on dealing with racist representations of all kinds, whether or not they are significant enough to be caught by the ‘pressure to discriminate’ provision of the RRA. This guidance, produced in 1996, defines a racist representation as words, phrases or comments that are likely to:

- be offensive to a particular racial or ethnic group;
- be racially abusive, insulting or threatening;
- apply pressure to discriminate on racial grounds; and
- stir up racial hatred or contempt.

According to the guidance, even if an LPA receives only a few racist representations each year, their effect on relations between groups in the local community can be very damaging and LPAs should make sure that inaction is not interpreted as acceptance.

The RTPI guidance recommends that the context in which words, phrases or comments that might be deemed racist are used must be considered carefully, to ascertain their true meaning and effect. If the language of a representation made in writing is clearly racist, and contains no material considerations, officers should return the letter to the writer, explaining that they cannot consider representations of this kind and that such pressure could amount to unlawful discrimination under the RRA. If the representation is racist, but also contains material considerations, the letter should be returned and the writer invited to write again, but only including valid planning matters. The guidance advises on ambiguous cases, where the language used is not expressly racist and the representation seems rational or reasonable, but where an officer believes it may be racially motivated. It recommends reporting this to the planning committee, so that councillors can form a view. A representation need not use racist language to be defined as racist; it is enough if it makes negative assumptions about an individual or group based on their ethnicity, rather than making material points about the application in question.

The CRE recommends that, in ambiguous cases, to be sure local authorities meet the duty to promote race equality and good race relations, officers should establish whether representations are substantiated by evidence, or merely based on prejudice or stereotype. For example, if an authority receives neutrally-worded objections to a Gypsy site, claiming it will increase crime or the fear of crime, increase rubbish or lower house prices, officers should investigate the reasons for the objection, checking to see whether the planning application will have a direct effect on the person who has objected, for example because they

live near to the proposed site, and take steps to substantiate the objection. This may include analysing evidence on the material objections, such as the number of formal reports of crime or anti-social behaviour from the relevant site, and their outcomes, as well as asking for further clarification from the person objecting to the site, checking whether they have made similar objections before, and monitoring objections they might make in future.

The way authorities distinguish between objections based on legitimate material concerns and those based on racial prejudice is therefore important, and indicates whether authorities are meeting their responsibilities under the RRA, which includes promoting good relations between all groups in the community.

Half (49.8%) of all authorities with responsibility for planning said they had had planning problems concerning Gypsies and Irish Travellers, and nearly half (48.5%) of these identified public pressure not to accept applications as being the problem, either often or very often. Reflecting this, our survey also showed that planning applications for Gypsy sites always or often attracted objections in most local authorities in receipt of applications. We asked local authorities about the nature of these objections. Of those who responded to this question:

- over half (57%) said the objections were sometimes racist;
- nearly half (40.2%) said they were never racist;
- only one authority said they were often racist; and
- one said they were always racist.

We asked about the steps local authorities had taken to identify and respond to potentially racist representations, in line with the RTPI guidance. The majority (81.2%) said that planning officers were always or often aware of their responsibility to identify potentially racist representations. However, only around a third (31.9%) of authorities with responsibility for planning issues were aware of the RTPI guidance, and very few (5.8%) had a formal procedure or policy for dealing with such representations, as the guidance advises. Just over three-quarters (76.9%) of authorities said they never liaised with a local racial equality organisation about potentially racist objections, and more than two-thirds (68.8%) never referred potentially racist objections to planning applications for Gypsy sites to the local racial equality council or the CRE.

Overall, it appeared that, while some local authorities were aware of their responsibilities for dealing with racist representations, in four out of 10 authorities objections to planning applications for Gypsy sites were never seen as racist and therefore none of the procedures for dealing with this kind of objection were seen to apply.

The call for evidence produced several examples of racist representations. One local authority received a letter stating, 'We don't want any more Gypsies here.' Others sent in pictures and leaflets that had been widely circulated. Some of these had been circulated by parish councillors (community councillors in Wales), themselves bound by the duty to promote race equality and good race relations.



SAY NO!

- Say no! – to down-valued homes
- Say no! – to increased crime
- Say no! – to disruption in schools
- Say no! – to anti-social behaviour
- Say no! – to 'fly-tipping'
- Say no! – to the 'blight' of [our town]
- Say no! – to the abuse of the 'green belt'
- Say no! – to anarchy
- Say no! – to any of this madness in [our town]

Unless you want the illegal encampment near ___ [well-known local place in the area] formalised into a permanent 'Travellers' site, please strongly voice your objections ... We would urge you to sign the petitions, that will shortly be available against this madness ... We would also urge you to actively lobby your [ward] Councillors ... and demand their active support in opposition to the attempt by Travellers to impose themselves on our community. Contact details can be obtained from the [local] Parish Council Office.

Leaflet circulated by parish residents' group

During the period of the research, several local authorities asked the CRE for help with analysing representations. These included submissions from local residents claiming that house prices would fall, and expressing fear that crime rates would rise and the education of children in local schools suffer if they accepted the children from the proposed sites. In each case, officers were unsure how to classify the objections, as views varied within the area covered by the authority. Equality officers or local support groups tended to find the objections racist, while planning officers thought they were acceptable, unless they contained explicitly racist language.

Officers in some authorities said that, while they were able to identify explicitly racist representations, it was harder to agree on those that were racially motivated.

There was no question what she [objector] wanted [that is, for the council not to provide the site], she's been lobbying us for years ... what concerns me is that it's [racism] gone underground. They word their objections in subtler and cleverer ways; they now know they can't say 'we don't want any more Gypsies here', but that's what it comes down to. *GTLO*

We identified some good practice in dealing with representations. One local authority reported how it had recently received a number of objections to a retrospective application for a private Gypsy site. Some of the objections, neutrally worded, claimed there would be an increase in crime, and that house prices would fall, but provided no evidence of this. Officers spoke to the local police force and found that there had in fact been a reduction in crime since the site had been set up. Nor was there any evidence to suggest that house prices would fall; the site had been in place as an unauthorised development for several years and during that time property prices had risen. Officers pointed out that it was therefore highly unlikely that formalising the site would lower house prices. Officers also found that many of those expressing the strongest objections lived at some distance from the site, and would not be directly affected. On this basis, the planning committee was advised not to consider the objections as material reasons for rejecting the application for the site.

Planning officers in four of the case study authorities were unaware of the RTPI guidance and we found some inconsistency of approach in dealing with representations. One authority, with no formal policy on dealing with representations, had recently received a large number of letters objecting to a Gypsy site. These had been received and dealt with separately by three different departments, where officers interpreted the RTPI guidance in different ways. One officer did not think any of the representations were racist, compared with those seen while working in a large urban authority; others considered several to be racist.

Planning officers in some of the case study authorities said that, while they suspected that racist or prejudiced attitudes towards Gypsies and Irish Travellers motivated some of the representations, the absence of racist language made it difficult to contest them. Moreover, some officers were reluctant to reject any objections that had a material basis, even if some aspects were racist.

5.2.4 Decisions on planning applications for Gypsy sites

LPAs must decide on applications for Gypsy sites in line with policy set out in the local development plan, unless material considerations dictate otherwise (*see Appendix 9, reference 54*). They can delegate the decision to officers, but applications that attract a lot of public attention, and are politically sensitive, are likely to come before the planning committee. Racist representations, whatever their material basis, should not come

before the committee and it is the responsibility of the planning department to make sure they do not. The findings in the section above suggest that these representations may in fact be reaching, and influencing the decisions of, several planning committees.

a. What do people think about the way local authorities decide on planning applications for Gypsy sites?

Concerns about the way local authorities decide on planning applications for Gypsy sites were widespread, and were expressed by local councillors, Gypsies and Irish Travellers and their support groups, and members of the wider public. They took a variety of forms and reflected different perceptions of, and interests in, the planning process.

Our survey found evidence that local authorities rarely monitored planning applications for Gypsy sites, or their rates of success (at first instance or on appeal). Only three authorities overall (1.4% of local authorities with responsibility for planning) had monitored the effects of their planning policy for Gypsy sites on promoting race equality and good race relations. As none of the case study authorities monitored planning applications by racial group, they were unable to assess the overall effects of their procedures on race equality and race relations, or judge whether their policy was unintentionally having an adverse effect on a particular racial group, or whether this could be justified objectively. However, we did find a great deal of qualitative evidence, that planning applications for Gypsy sites, made largely by Gypsies and Irish Travellers, were not decided in the same way as others.

Many local residents and parish and community councillors thought the planning process was weighted in favour of Gypsies and Irish Travellers. This perception appeared to stem, in part at least, from a mistaken belief that retrospective applications were unlawful, and that Gypsies and Irish Travellers were getting preferential treatment by being allowed to develop sites before seeking planning permission. Many local residents also believed that applications for Gypsy sites were passed in green belt or green barrier areas while others were not allowed to build there. In some of the case study authority areas, parish and community councils had played a leading role in voicing public opposition to planning applications for Gypsy sites because of this perceived unfairness.

My people say, if they can build on green belt, why can't I? But the council would stop me building on green belt land ... I couldn't.

Parish councillor

In fact, anyone can apply for retrospective permission for any type of application; and local authorities have discretion to take enforcement action against a development if permission has not been granted, and there are material reasons for doing so. Applications for Gypsy sites can succeed in green belt or green barrier areas only where exceptional needs

and very special circumstances can be shown, and authorities have discretion to authorise other types of development in these areas, for example to provide affordable housing.⁶¹

At the same time, the majority of Gypsies and Irish Travellers and their support groups, both in the case study authorities and among respondents to the call for evidence, were concerned that applications for Gypsy sites fared worse than others. They said these applications failed, not because the sites were in conflict with the development plan, or because applications had been poorly prepared (as suggested by some local authority officers), but because they were scrutinised more rigorously than other planning applications. Many Gypsy and Traveller liaison officers (GTLOs) and officers from Traveller Education Services (TES) agreed. Several examples were given of detailed reports being requested, for example on flood risk assessment or environmental impact assessment, which it was felt were disproportionate, and a way of hindering the process.

[The planning department] eventually approved a tiny site with two plots, but they wanted to know about everything ... every aspect of the size of the day room ... I went to see them and I told them the day room couldn't be any smaller or the children would have no room to play ... They said the children could play in the kitchen ... they are very narrow-minded. *GTLO*

Planning officers in the case study authorities said that all applications were treated in the same way, and that only material issues were taken into consideration. They emphasised that, because the development of Gypsy sites was different in nature from other forms of development, more information might be needed.

b. Are applications supported by sufficient information?

Any planning application needs to include sufficient information to prove that it complies with local authority policy. Because suitable land for Gypsy sites is in short supply in some local authority areas, green belt or green barrier land may, in rare cases, be the only option local authorities can consider. In this context, government guidance⁶² recommends that, for a planning application for a Gypsy site to be approved, applicants must show that they have 'very special circumstances', which outweigh the restrictions on development in the green belt or green barrier. In practice, this means applicants have to show that there is pressing need for further sites, or that their personal circumstances (for example, exceptional health or educational needs) justify granting planning permission. LPAs are not required to look for the information from TES, Traveller health officers and GLTOs that could establish these circumstances; it is for the applicants to establish them when making their planning applications.

We found good practice in some local authorities, in the steps they took to make sure the planning committee received all the relevant information about an application for a Gypsy site. One authority had set up a Gypsy and Traveller liaison group to advise on applications and provide any further information that was needed. The group consulted Gypsies, Irish Travellers, their agents and their interest groups as well as other partnership bodies. One local authority had pioneered an approach that allowed them to attach information about welfare matters to all planning applications for Gypsy sites on green belt or green barrier land. The approach was developed to improve site outcomes and reduce unnecessary expenditure, after the planning committee had initially



Clean and orderly private site managed by Travellers.

rejected several applications, but accepted them on appeal, once information was available about the welfare needs of the families involved.

However, much of the evidence suggested that planning committee members often did not have the information they needed to make a decision. As noted above, some local planning officers said the applications were not sufficiently detailed (sometimes on the advice of planning agents), or had been

poorly prepared. Significantly, some Gypsy and Irish Traveller support groups, GTLOs and TES officers told us they had been explicitly or implicitly prevented from submitting information to the planning committee, either in writing or as oral evidence, which could have improved the chances of a successful application. This was clearer when the individuals were employed or funded by the local authority itself.

It would be cutting off the hand that feeds me [to give evidence]... what would that do for the sake of one family? TES officer

They told me, just remember who pays your salary. GTLO

Many Gypsies and Irish Travellers spoke of the difficulty of gathering the evidence to prove very special circumstances, as the information might be held by a number of different departments. Gypsies, Irish Travellers and their support groups were also unhappy that this meant making sensitive personal information public, something that would be distressing for anyone, but that there were other cultural reasons for not sharing this information, even within families, as there is a tradition of not discussing intimate health issues in surroundings where people of

both sexes are present. These complaints were made in connection with planning appeals, which are outside the scope of this research, but were also relevant to planning committees.

It [the planning inquiry] was horrendous ... He grilled her so bad ... he was trying to drag things out of her [about personal experience of domestic violence], things that should never have been discussed in that setting ... it was more like a rape trial than a planning inquiry. *Local Gypsy and Traveller support group*

It may be things people wouldn't even tell their own family ... and they get read out before a room of people. *Gypsy*

We were asked to submit an application and told to include letters from doctors, employers and our children's schools. We asked the council not to make these details public and they agreed. But everyone got to see them. *Irish Traveller*

Several individuals who had helped Gypsies and Irish Travellers with their planning applications told us it was very difficult to do justice to applicants' needs in the short time allowed by planning committees for oral representations in support of applications.

It is very stressful trying to explain something that affects someone's life in three minutes. The same amount of time is given to an application for an extension to someone's shed, but this is someone's home. *Local Gypsy and Traveller support group*

c. How does the planning committee decide on applications for Gypsy sites?

GTLOs, TES officers, legal representatives and Gypsies and Irish Travellers repeatedly raised concerns about the way planning committees decided on applications for Gypsy sites. These included: their failure to make allowance for applicants who were not literate; their lack of understanding about planning matters as these related to Gypsies and Irish Travellers; the fact that some committee members were directly involved in, or closely linked to, resident action groups opposed to potential Gypsy sites; and comments and actions by committee members that undermined confidence in their ability to arrive at a balanced judgement. Concerns were also raised about discussions on planning applications for Gypsy sites, particularly comments by councillors that suggested prejudice towards Gypsies and Irish Travellers.

We've been subjected to abuse from the ___ [local action group]. They've run a racist campaign against us. We know there are councillors in the group and ___ [member of the planning committee] is a non-voting member. We've seen councillors' names on petitions against us. That doesn't fill us full of confidence that we're going to get a fair hearing. *Irish Traveller*

[Member of the planning committee] shouldn't be in the job. She is in charge of Gypsies and Travellers, but never goes on sites. She makes racist comments on the radio or in meetings all the time towards Gypsies and Travellers ... She never should have been given this role, she doesn't want any contact with Gypsies and Travellers. If this was happening with black people, she would have been sacked years ago. *Gypsy*

How many councils will voluntarily provide sites? They worry about attracting more Travellers to the area. Put your hand up to that and you're out at the next election [laughs]. Well, it's true. We've got our share. *Planning committee member*

We found some evidence that planning committee members felt themselves under public pressure not to accept applications for Gypsy sites. The pressure often took the form of lobbying by local action groups or frequent requests for meetings from influential individuals and organisations in the community. As a result, some local councillors said they thought it was politic to reject applications at first, in order to avoid any controversy. Then, if the applications were later passed on appeal, they could explain to their electorate that this decision was beyond their control.

The majority of current provision in ___ [the council area] has come about by private development. People set up and are then forced to apply for planning permission ... winning on appeal. This ensures everyone's happy. The council is seen to be dealing with the issue [by turning down the initial application]. I don't want you to think that this is [council] policy, but it is a useful by-product. *Councillor*

Some planning officers confirmed this in their descriptions of the 'insubstantial material grounds' for the planning committee's decision to reject an application. We found several cases where planning committees had overruled officers' recommendations that a planning application for a Gypsy site be approved, and where their decisions had not been informed by an assessment of their consequences for race equality and race relations. The call for evidence produced several examples of appeals against such decisions. In these cases, since planning officers did not share the local councillors' views, they could not represent the local authority at appeal, and external representation had to be brought in.

This was felt to be costly, both financially (local authorities may be required to pay costs in these cases) and as regards public confidence in the planning system and race relations, particularly if the initial decision was overturned.

d. How are applicants and the public informed about planning decisions?

Our survey showed that the way in which applicants and the public at large were informed about decisions, and the reasons for them, affected public perceptions of Gypsies and Irish Travellers and the attitudes of site applicants to the planning system. Often, local authority decisions and appeals were reported negatively in the local press, and when applications were successful, worded in a way that strengthened public perceptions of a system unfairly biased towards Gypsies' and Irish Travellers' needs. In many cases this was the only form of public communication, and was reported to have contributed to community tensions.

As for communication with site applicants, we found one example of an authority that had tried to make the planning application process transparent, by arranging personal meetings with disappointed applicants, so that planning officers could explain the reasons for the decision. More often, however, Gypsies and Irish Travellers, whose applications had been refused, said that planning officers had not clearly explained the reasons to them, leading to doubts about the transparency and fairness of the system. This affected their readiness to work with planning officers in future, and their confidence in the planning system.

It [the planning process] was rotten from start to finish. The council falsified the flood risk ... Sometimes we didn't understand the decisions, as a rule the officers talk planning rules, they never explain the reasons for everything ... you have to find them out. Gypsy

The survey asked whether local authorities had done anything to make sure people understood the planning system, and how it dealt with applications for Gypsy sites, as a means of promoting good relations between Gypsies and Irish Travellers and other local residents. We found a few examples of authorities that had tried to respond to concerns about planning applications for Gypsy sites, by providing more public information about the planning process in general. Some authorities had produced 'question and answer' sections on their websites, including myth-busting information about retrospective applications, green belt or green barrier applications and general misconceptions about Gypsies and Irish Travellers.

Some local authorities had tried to build understanding and support for private Gypsy sites, by engaging with local community leaders. In addition, we identified some examples of action to promote good race relations through greater dialogue over individual applications. Rural

local authorities that had made progress in this area had engaged with parish and community councillors, who in turn were in regular contact with local residents. In one authority the planning department had an informal mediation channel involving parish councils, for communication between Gypsies and Irish Travellers and local residents over the intended sale or purchase of land. This has helped to reduce opposition when land is bought and an application for a Gypsy site made. However, few local authorities are doing work of this kind.

5.2.5 Enforcement of planning policy

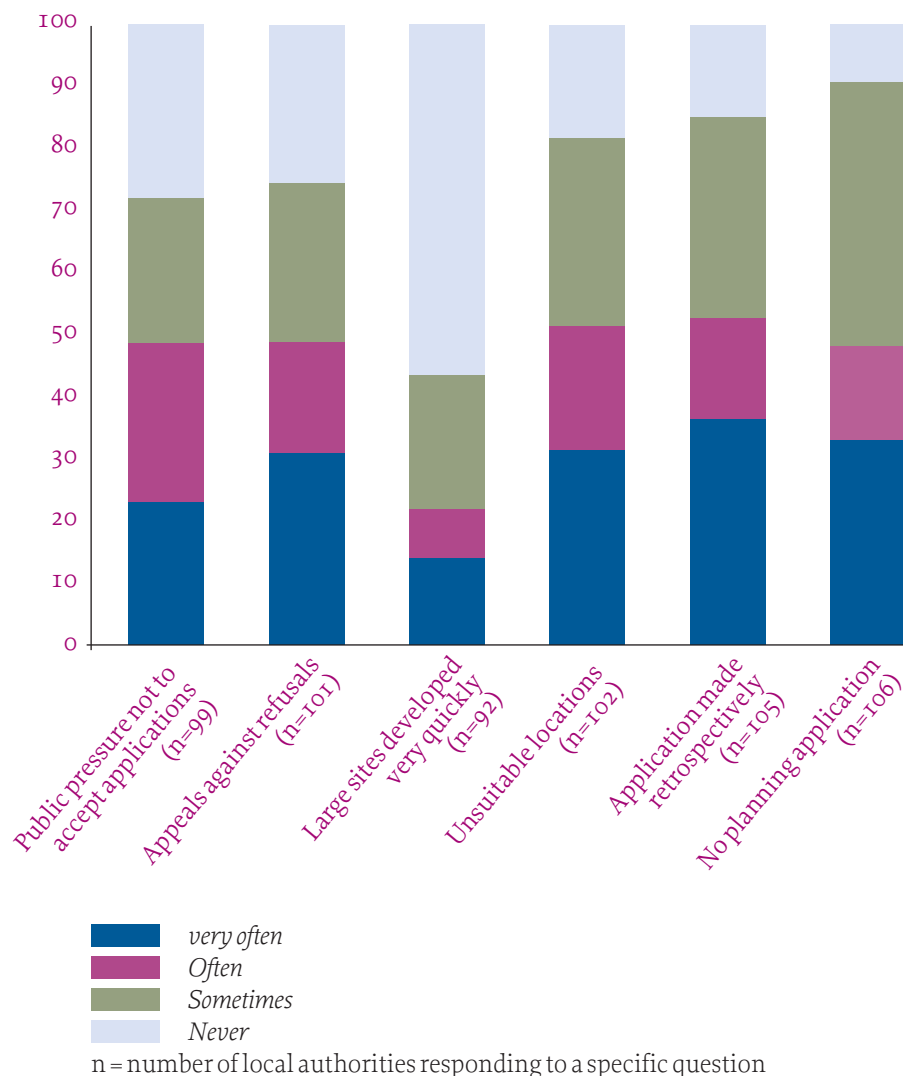
Planning enforcement is a vital part of a successful planning system. When weighing up whether to take enforcement action, and what kind of action to take, local authorities need to consider several factors, to ensure that their decisions are necessary, proportionate and fair, balancing the need to uphold planning policy against the need to keep expense and disruption to a minimum. As a part of this balancing exercise, local authorities need to consider the implications of the different options for race equality and race relations. Race equality and race relations also need to be at the forefront of their plans to implement and communicate decisions.

a. What are the effects of unauthorised developments?

Government statistics show that the number of unauthorised developments has gradually increased since 2000 (ODPM, 2005c). Nearly half (48.1%) of the local authorities in our survey that had encountered planning problems with respect to Gypsies and Irish Travellers in their areas said these were often or very often associated with sites being developed without a planning application being made. Over one-fifth (21.7%) of authorities told us that large unauthorised developments, put up very quickly, were often or very often a problem. Information from the call for evidence indicated that unauthorised developments were a relatively recent phenomenon, and were associated with high profile cases that had attracted considerable media coverage, and increased public concern and complaints.

Local residents in some of the case study authorities' areas, and who responded to our call for evidence, raised numerous concerns about unauthorised Gypsy site developments. Many were similar to the complaints about public Gypsy sites (*see section 4.3.4.c*) and included fears of crime and anti-social behaviour, and criticisms of living conditions on the sites, and environmental hazards such as fouling and poor waste collection. We found that these concerns – at times amounting to intense fears – were particularly acute in the case of large unauthorised developments, and especially strong in areas that were not very built up, and where the small community thought they might be 'over run'.

Figure 10. Planning and problems concerning Gypsies and Irish Travellers (%)



For weeks on end, from 7 in the morning to 7 or 8 at night, all you had up and down the road were lorries loaded with hard core, constantly, all day long, just up and down, up and down. What used to be a field ended up covered in concrete. They [Gypsies] knocked down some local residents' fences to get on to the site with lorries. There's just no regard for anything. *Local resident*

Those living close to unauthorised developments expressed feelings of isolation and powerlessness, and said they did not feel the local authority or the police cared. These feelings were intensified by the fact that contact with residents from the unauthorised developments was usually confrontational.

There was no one to help us. We could no longer rely on the council to send anyone down there to do anything, because all their representatives have been frightened, their cars have been rammed. The police would only attend once they had sufficient numbers. Family and friends stopped visiting us, that's how bad it was. Children were not allowed to come and visit their school friends, because it is a dangerous situation ... They drove their vehicles at children, spat at women walking along the lane, so there were never going to be any pleasantries exchanged. *Local resident*

However, some of the hostility expressed arose from the fact that sites had been developed without planning permission. In particular, there was resentment that Gypsies and Irish Travellers had bypassed laws and regulations, which applied to the rest of the community, and anger at the cost of applications for retrospective planning permission and lengthy legal proceedings. These feelings were further exacerbated by the belief that those living on unauthorised developments did not pay council or other taxes and yet could run businesses from these sites.

There are no restrictions, nothing applies to them [Irish Travellers]... They take advantage of nicer society. *Local resident*

Everything has to go through a process and this can take ages ... years. More often than not a planning application will be passed. The system should be more rigorous to get rid of people. *Local resident*

Let's have equality. Let's treat everyone the same ... let's enforce the law the same. *Local resident*

It was notable that in almost every instance people's resentment was directed primarily towards Irish Travellers. There appeared to be three main reasons for this: first, Irish Travellers generally lived in larger groups than Gypsies, and their presence was probably more immediately obvious; second, Irish Travellers were widely thought to be taking advantage of the system in England because of harsh laws in Ireland; and, third, because media coverage of Irish Travellers has tended to be particularly negative (*see section 6.2.5.e*).

In some cases, the anger and resentment were directed toward the local authority, which was seen to have failed in its responsibilities to local residents by not doing anything. Many of the case study authorities that had experience of unauthorised developments reported pressure from neighbouring communities or parish and community councillors, through written complaints or in meetings with residents, to take enforcement action.

People often say things like, 'Planning enforcement is soft, weak, disadvantaging local people, favouritism, not consistent.' They think the council needs to take action, to set an example as a deterrent to other unauthorised encampments. *Planning enforcement manager*

b. How do local authorities enforce planning control?

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

One in five (19.4%) authorities that responded to our survey had a policy on unauthorised developments in their policy on unauthorised encampments. None of the relevant policies in the case study authorities mentioned the duty to promote race equality and good race relations or the RRA. Moreover, none of them had carried out an REIA of their enforcement policy, or of individual enforcement decisions. Three case study authorities did not have a written enforcement policy, two said that in practice they regularly proceeded with enforcement action against Gypsy sites, and that this included applying for injunctions to prevent further development. One case study local authority had identified unauthorised developments as being relevant to the duty to promote race equality and good race relations, but had decided not to conduct an REIA of any of their proposed policies – which were seen as being 'more controversial' than others – until officers had more confidence in the REIA process.

Some local councillors and officers saw a conflict between their enforcement powers and the RRA, and suggested that the race relations and human rights legislation gave precedence to the rights of Gypsy site residents over their planning powers. They were wrong; both race relations and human rights legislation serve as a guide to the way decisions are reached, put into effect and communicated.

c. Do local authorities try to negotiate solutions?

Some local authorities took active steps to resolve breaches of planning control without having to resort to evictions. One strategy taken by many authorities involved inviting retrospective planning applications where the land was suitable, to avoid costly and lengthy enforcement action. In

one authority responding to the call for evidence, enforcement officers had worked hard to win the trust of influential Gypsies, and of those facing enforcement action. Most importantly, officers had made early, direct, face-to-face contact with those in breach of planning control. The discussions had centred on careful explanations of planning procedures rather than threats. Advice and help were given, and applicants were encouraged to use enforcement officers as a point of contact with the council.

Even when retrospective applications were unsuccessful, some local authorities had tried to avoid physical eviction, for example, by negotiating departure dates with site residents. In one area, a residents' association close to a large unauthorised development in an unsuitable location held talks with local and national Gypsy and Irish Traveller organisations. The aim was to help both parties understand each other's positions, and to build bridges between them. Since the development was unsuitable, and planning permission was unlikely to be granted, the possibility of a 'land swap' had been explored. This involves the authority providing pitches of equal or higher quality than those vacated, and taking ownership of the returned pitches, but with the Gypsies and Travellers paying the difference between the market value of the original land they bought, possibly at a premium, and the market value of the alternative land they can develop, with financial arrangements to assist them. This would mean that site residents would not be evicted without having an alternative site to move to.⁶³

d. When do local authorities resort to eviction?

Some local authority officers pointed out that negotiation was a two-way process and that, if Gypsies and Irish Travellers did not keep to the negotiated departure dates, eviction was the only remaining option. We found examples of authorities facing this difficulty.

We're happy to negotiate departure dates, but in cases where they just refuse to budge we have to resort to eviction. It's always the last option, but sometimes we have to use it. Officer responsible for unauthorised encampments

However, several local authority officers gave examples through the call for evidence of instances where they felt the authorities had decided to evict without considering all the options. In two examples, authorities had decided to take direct action against large, unauthorised Gypsy site developments. One local councillor expressed grave reservations about a decision to evict that had been reached by the full council, without considering its effect on site residents or race relations locally.

Other respondents, including some in the case study authorities, spoke of situations where they thought the enforcement action taken was disproportionate to the infraction. For example, in one authority a

decision was taken to evict 10 families from an unauthorised development. The decision was seen by some as part of an effort by councillors to ‘take a stand’ against unauthorised Gypsy site developments in principle, rather than proportionate action directed at this particular site, which was described as ‘posing no particular problems’. The eviction generated considerable publicity locally and officers believed it had done serious damage to race relations in the area, fuelling general hostility towards Gypsies and Irish Travellers. According



Eviction from an unauthorised encampment carried out by private bailiffs.

Photograph provided by the Welwyn & Hatfield Times newspaper

to a police officer with whom we spoke, a video of a similarly high profile eviction was used in training sessions as an illustration of poor practice.

We had phone calls saying, ‘We got rid of them and we will get rid of your lot [those on the authorised site] next.’ It was a very negative effect for Gypsy Travellers in general. A real feeling of ‘We’re not having them in our area again.’ *GTLO*

In two authorities, local councillors were reported to have pushed for eviction even after local pressure had subsided, in order to retain public confidence in the system.

It’s all to do with saving face now. Everyone sensible, well, the officers, have been saying leave it there, leave the settled community and the Travellers to get on, away from the spotlight. But the council have gone so far they’re not going to back down now. *GTLO*

The evidence also suggested that, where eviction was the only option, and a proportionate response in the circumstances, authorities did not

generally give much thought to the best way of doing this, both for those being evicted and for race relations. Mostly, evictions were carried out in a non-confrontational way, and were designed to minimise disruption for all concerned. However, this was not always the case. One local authority had appointed a firm of bailiffs, which had a reputation among Gypsies, Irish Travellers and some specialist officers for violence, without considering the firm's expertise or understanding of the council's requirements in relation to race relations. Since the eviction action had been endorsed by a court order, local authority officers had thought this was not necessary, and the absence of a race equality impact assessment meant it was unable to identify such risks, and take steps to deal with them.

The attitude of the bailiffs was horrendous. They were aggressive and inhuman. The eviction was really violent. One of my colleagues went the day after [the eviction] to see if any children were still on site. They asked my colleague why he was there. He said to check that nobody was there needing education. They responded 'You don't have to worry about that. We gave them all the education they needed yesterday.'

TES officer

The experiences of Gypsies and Irish Travellers who had been evicted from unauthorised developments raise a number of concerns about the health and welfare of those involved, and about the implications of evictions for race relations. These questions are examined in more detail in chapter 6; the comments quoted below relate specifically to unauthorised developments.

It was about 4 am or 4.30 am that morning ... I could see the policemen coming in. I could not believe how many there were. There were hundreds. I was frightened about what they were going to do to us. I was worried about my mother and my little son ... he is a diabetic. I stayed in the mobile home to look after my mother. She sat in an armchair shivering with fright. I was afraid that all the shock and violence would bring on a heart attack ... One of the first things that was done was that our gas bottles were taken away so that we couldn't make a cup of tea or prepare any hot food ... from when we were woken up around 4 am until about 2 o'clock in the afternoon. The police and bailiffs had their own canteen, but they refused to give us even some hot water ... I felt that they had come in with the intention of punishing us because we hadn't got planning permission. But it was our land and we were just living there quietly and peacefully. We'd had no trouble with our neighbours ... We had kept trying to get planning permission. It was just a regulation; but they were treating us as if we had committed some big crime ... We were trying to get the police and the bailiffs to stop acting rough and allow us to get our things together and move ourselves in a dignified way. There was no need to do what they were doing, bullying everyone and destroying everything ... There were my mother's two battery-operated wheel chairs; [she] could not move without them. Instead of allowing us to put them in a van and move them away, they picked them up with a mechanical grab and just crushed them ... everything was destroyed. *Irish Traveller*

It was a nightmare. We were getting thrown off our own land. But we accepted that we had to leave and we were willing to go peacefully. There were only seven men on the site and even if we had wanted to there was nothing we could do against hundreds of police and bailiffs ... The police were shouting 'Get 'em out' and 'Drag 'em out.' They were forcing people out of their caravans. [After the eviction] we all drove together to [another county], the police following us to the county border. We went on to a place that also has no planning permission. So, this is illegal too and we are in the same position here, facing eviction. *Irish Traveller*

e. How do local authorities communicate with the public about unauthorised developments?

We found some good practice among the case study authorities and through the call for evidence in communicating with the public about enforcement action against unauthorised Gypsy sites. Some authorities explained the law clearly, and the due process they had to follow in such cases, and, although residents still complained that action was not taken fast enough, there appeared to be greater understanding and openness in the local debate.

By contrast, other local authorities said they were constrained by planning law, and made it clear, either explicitly or implicitly, that they would have liked to have been able to take stronger enforcement action against the occupants of unauthorised Gypsy site developments. Their response only reinforced the idea among local residents that Gypsies and Irish Travellers were 'above the law'. Comments made by some local councillors in these areas echoed the usual stereotypes, particularly of Irish Travellers.

Interviewees emphasised that what local authorities and police forces say and do sends out clear messages about their attitudes towards Gypsies and Irish Travellers, and that heavy-handed and poorly managed enforcement operations are likely to damage race relations.

The eviction was televised on the day. The overall outcome was negative for race relations ... Even though the bailiffs came steaming in, what people remembered was, 'Look at that child on the roof of the caravan throwing stones at the police.' But nobody asked, 'What would you do if someone came to pull your house apart?' *GTLO*

f. What do local authorities do to promote good race relations over planning matters?

Two-thirds (66.9%) of the 236 local authorities that completed the survey told us there had been tension in their communities over Gypsies and Irish Travellers. Around half (46.2%) of these authorities said that breaches of planning control were the cause. As with public Gypsy sites and unauthorised encampments, these tensions could be exacerbated by inflammatory and sensationalist media coverage of breaches of planning controls.

They [the media] wind people up like clockwork and let them go. They cause an enormous amount of racial problems and tensions. GTLO

There was some evidence of attempts by local authorities to build positive relations and foster interaction between Gypsies and Irish Travellers living on unauthorised developments and local communities. However, less than half (44.5%) of authorities responding to our survey had taken steps to promote good race relations, and only a handful had done so in relation to unauthorised developments. Many GTLOs had little contact with those living on unauthorised developments, or with Gypsies and Irish Travellers living on privately owned sites in general. This was significant, because, as noted in chapter 3, much of the work to promote good race relations was done, or made possible, by GTLOs. This suggests that, although unauthorised developments were a recognised cause of community tension, less work was done to promote good relations between different groups in this area than in others.

Several GTLOs emphasised how important it was that, given their own lack of involvement, Gypsies and Irish Travellers on unauthorised developments did a great deal themselves to have friendly relations with local communities. They also pointed out that those living in unauthorised developments on sites had more opportunities for contact with the local community, and to work towards mutual understanding and support over time, compared with those on unauthorised encampments. This was because the enforcement process for the former often took far longer. For example, in one local authority area, an extended family of Irish Travellers lived on an unauthorised development that had five pitches. Initially the GTLO received many phone calls from local residents, concerned about the development, particularly since the family was new to the area. Parish councillors expressed similar concerns. Since moving to the site, members of the family had worked hard to get to know their neighbours and the wider

Gypsies invade another English village overnight, and there seems to be nothing anyone can do to stop them

David ... ditch

arrived at Borough Cot a planning denial use it would be Momm followed 10

Villagers tell of living hell after invasion by the gypsies

By Geoff Marsh

FAMILIES living yards from an illegal gypsy camp say it is the worst experience of their lives.

Fifteen gypsy families from across the country united to buy the five-acre plot for a reported £12,500. Overnight, the 50-strong group used bulldozers to install driveways, fences and toilets.

Julia Tibbs, 36, who lives next to the field, told a public inquiry that she had suffered sleepless nights since the invasion of North Curry, Somerset, turned her life "upside down".

She said the occupation had knocked thousands of pounds off the value of her home and the gypsies verbally abused and intimidated her.

Photographer Ms Tibbs added: "Their arrival on the site has

hope that this has a bad dream rather making scheme?"

The four-day invasion yesterday gypsies had no

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Gypsy gang builds 16-home 'estate' on beauty spot

By RICHARD SAVILL

VILLAGERS with homes overlooking the unspoilt beauty of the Somerset Levels complained yesterday that their roads, fencing material, and four septic tanks, had been "shattered in a few hours" after scores of gypsy travellers moved on to adjacent land with "military style precision".

In an operation described by one villager in North Curry as an "astounding power", the false premises apparently required for agricultural use was almost complete in 48 hours, the travellex had dug roads, created improved access, built stone platforms for the 20 caravans, and erected wooden lavatory blocks and shower rooms.

Miss Harris, 59, a divorcee, who bought her three-bed room semi-detached house two years ago, had previously enjoyed unspoiled views from her garden beside the frus-

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ing, "if they try to

village, to take away the earth they were excavating; they brought in hard core to lay the roads; fencing material, and four septic tanks, had been "shattered in a few hours" after scores of gypsy travellers moved on to adjacent land with "military style precision".

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ing, "it is absolute frustra-

ing, "if they try to

the driving rain." Adrian Flook, the Conservative MP for Taunton, who visited local residents, said homes had been ruined.

He said a local farmer had sold the field for "many times more than its true agricultural value" in the summer.

"This is not just a blot on the landscape and a flagrant abuse of the law, but a naked attempt to ram through a sympathy for the apparent legal already saying locally are sense of fear and intimidation if they try to

"This

"This

already has designated for up to 80 travellers. Williams, the Conservative leader of Taunton Deane council, said of the week-long invasion that it was "appalling" that there should be such an organisation to "circumvent and flout normal planning regulations that the settled population of this country is bound by". Mr Williams said the council was powerless to plan-

local community. After two years, the children were well settled in the local school, the parish council was supportive and the GTLO stopping getting complaints. She explained, 'over time the angst gradually subsided. People's fears had not been realised,' and emphasised the key role that the Irish Traveller family had played in winning acceptance.

We found similar examples elsewhere of good relations developing over time between Gypsies and Irish Travellers and other communities, after those living on unauthorised developments tried to take part in, and contribute to, the community in which they lived.

5.3 Summary and conclusions

Overall, it appeared that local authorities were failing to make the connection between planning and race equality, focusing more on land *usage* than land *users*. The fact that many Gypsies and Irish Travellers needed land for sites concentrated the attention of planning departments on land use and away from their cultural needs. This was exacerbated by the fact that Gypsies and Irish Travellers were not encouraged to take part in consultations, which would have allowed them to help to shape planning policy, as well as providing important opportunities to relate to the rest of the community.

Good practice in this area was rare. Most authorities were failing to take the steps required by the duty to promote race equality and good race relations to make sure their planning policies and procedures for Gypsy sites were fair and open, and were seen as such. There was little evidence of action to eliminate unlawful racial discrimination or promote equality of opportunity and good race relations. Areas of particular concern include the following:

- the lack of a long-term, strategic approach to planning policy on private Gypsy sites, with the emphasis on criteria for deciding individual applications, rather than on specific advice on where to buy suitable land;
- poorly filled out planning applications, but little practical assistance with completing them;
- little attempt to follow any procedures for making sure racist representations did not reach the planning committee;
- rejections of applications by planning committees to avoid public criticism; and
- the failure to consider race equality and race relations when taking decisions to evict, and taking disproportionate action in response to public pressure.

The failure to monitor the results of planning applications or enforcement action, by racial group, and to assess the effects their planning policy for Gypsy sites was having on race equality and race relations, meant that local authorities had no way of knowing if they were meeting the duty to promote race equality and good race relations. The inadequate training received by many planning officers further undermined their ability to recognise, and deal with, problems. Even though authorities did not have formal data, there was enough evidence to show that planning applications for Gypsy sites and enforcement action were the cause of much community tension, but few local authorities took practical steps to help reduce it, focusing any efforts to promote good race relations instead on isolated one-off activities that were not directly connected with their mainstream work. There was little attempt to keep the public informed about plans for Gypsy sites, even though authorities were aware that ignorance and unfounded fears contributed directly to local agitation and hostility. Local authorities did not use consultations enough, to encourage discussion and build bridges between different groups and some were saying and doing things that often made matters worse, indicating the absence of strong local leadership. The outcome was a widespread perception among all groups that planning for Gypsy sites was unfair.

5.4 Recommendations

We recommend the following as specific measures for the organisations listed below. A list of all recommendations in the report can be found at appendix 1.

Local authorities should:

- Refer to Gypsies and Irish Travellers in the statement of community involvement (which explains how all groups will be consulted on planning policy), and take practical steps to get them meaningfully involved, where possible building on existing relationships.
- Make sure that sustainability appraisals (*see appendix 8*) of all new or revised local development documents containing policies relevant to providing Gypsy sites are accompanied by a race equality impact assessment.
- Give specific advice to Gypsies and Irish Travellers, at an early stage, on the most suitable land for residential use, and on how to prepare applications, and help them to find the information they need to support their application.
- Develop an internal policy on how to handle racist representations, and make sure officers know how to use it, so that only material

considerations relating to the application are presented to members of the planning committee.

- Identify and report on actions by local groups or individuals in response to plans for Gypsy sites that may constitute unlawful pressure (*see appendix 8*) on the authority to discriminate against Gypsies and Irish Travellers; where necessary, local authorities should make clear to the group or individual that their conduct may be unlawful, and refer the matter to the CRE.
- Review their systems for collecting information to support applications for Gypsy sites, in order to improve service outcomes, reduce the likelihood of planning decisions being overturned on appeal and build the confidence of applicants; this should focus on gathering information in a systematic way, and ensuring the protection of sensitive personal information.
- On appeal, disclose to the planning inspectorate how they have met the duty to promote race equality and good race relations in the course of developing and implementing their planning policy on Gypsy sites, and in deciding on the application in question.
- Monitor all planning applications and instances of enforcement action at every stage, by type and racial group, including Gypsies and Irish Travellers, as two separate categories, in order to assess the effects of policies and practices on different racial groups.
- Consider using the overview and scrutiny committee, or any other suitable formal mechanism, to assess the effects on race equality and race relations of any major decision to enforce planning requirements on Gypsy sites.
- Communicate clearly with the public about planning policy for site applications and planning enforcement, to build understanding and promote good race relations, and engage with local community leaders to help disseminate this information.

The Royal Town Planning Institute should:

- Make race equality and planning for Gypsy sites a specific part of the continuing professional development programme for all planning officers.
- Supplement its guidance on 'racist representations' with specific advice on handling applications for Gypsy sites.

The government should:

- Require local authorities to monitor and provide data on planning applications, outcomes and enforcement, and on housing and

homelessness, by racial group, using two separate categories for Gypsies and Irish Travellers.

The planning inspectorate should:

- Take into account, when making decisions on Gypsy site planning appeals, whether there has been a material breach of the RRA by the local authority in exercising its planning functions (including both the discrimination provisions of the law and the duty to promote race equality and good race relations).

Chapter 6

Unauthorised encampments

6.1 Introduction

This chapter examines unauthorised encampments set up by Gypsies and Irish Travellers on land they do not own. It looks at the following questions:

- How many unauthorised encampments are there, how often are they set up, and what are their effects on the community?
- What policies and procedures do local authorities use to manage unauthorised encampments, and have they been assessed, consulted on, and monitored for their effects on race equality and race relations?
- How do local authorities and the police deal with unauthorised encampments in practice?
- What effects do these policies and practices have on the welfare of Gypsies and Irish Travellers, on the wider local community, and on relations between all these groups?

Local authorities and police forces have various powers to deal with unauthorised encampments. They have discretion to evict, when certain criteria are met, or to allow encampments to remain for an agreed period of time, provided their residents abide by certain conditions. The government in England and Wales has produced detailed guidance for local authorities and police forces on managing unauthorised encampments, explaining how they should use their powers (HO and ODPM, 2004; HO and NAW, 2005).

6.1.1 Policies on managing unauthorised encampments

Local authorities do not have a legal responsibility for developing a policy on unauthorised encampments. However, the government's guidance recommends that authorities with unauthorised encampments in their areas should develop a policy to avoid having to take inefficient, reactive

approaches. It emphasises that local authorities should consult anyone who has an interest in the matter, publish the policy and make sure people know about it, especially local businesses, landowners, local residents and Gypsies and Irish Travellers. Local authorities, police forces and other partner organisations are advised to agree on a communications strategy. This is important to avoid confusion between different organisations involved in managing unauthorised encampments, to help shape public expectations, and to improve understanding between those living on encampments and the rest of the community. The guidance makes explicit that this relates directly to the need to promote good race relations under the duty to promote race equality and good race relations.

6.1.2 Decisions to ‘tolerate’ or evict

The government recommends (HO and ODPM, 2004; HO and NAW, 2005) that local authorities consider each encampment on its merits before deciding to evict. If an unauthorised encampment is in a particularly hazardous or unsuitable location, such as the verge of a busy road or a school playing field during term time, it cannot be allowed to remain, even briefly. In other situations, they should exercise discretion and, taking into consideration factors such as the health and safety of those on the encampment, and its environmental effects, may choose to allow the encampment to remain for a period, provided certain conditions are met. As noted in section 4.4.1, this is known as ‘toleration’. In the absence of suitable public sites where Gypsies and Irish Travellers can live, this may be considered the most appropriate – or indeed the only – option, though not as a long-term alternative to providing a site.

The guidance also advises local authorities and police forces to take a non-confrontational approach, wherever possible, and to negotiate departure dates with occupants of the encampment rather than resorting to forcible eviction. Case law requires local authorities to consider the welfare of people living on unauthorised encampments when considering eviction.⁶⁴ In addition, the Human Rights Act 1998, which applies to all public authorities, including local authorities and police forces, requires them to determine whether the interference with the residents’ family life and homes that eviction would entail is for a legitimate aim, and is a proportionate response. The availability or otherwise of alternative accommodation is relevant in this context. The welfare needs of those living on the unauthorised encampments will be material in reaching this decision.

Local authorities that decide to evict Gypsies and Irish Travellers from unauthorised encampments can take either of two legal approaches available to them. They have civil powers to evict, under Part 55 of the Civil Procedure Rules, by making a claim for possession in a county court and asking county court bailiffs to carry out the eviction. Alternatively,

under sections 77 and 78 of the Criminal Justice and Public Order Act 1994, a local authority can apply for a court order authorising its officers or agents to enter the land and use reasonable force to evict the Gypsies and Irish Travellers. The police have separate statutory powers of eviction under the same Act. Section 61 gives them the power to evict an entire encampment for damage or criminal behaviour by anyone on the unauthorised encampment (but see also appendix 9, reference 52). In addition, section 62A gives them a separate power of eviction, if there is an alternative site to which they can move the occupants.

6.1.3 Other aspects of managing unauthorised encampments

Government guidance states that the protection of public or private land vulnerable to encampments is a valid part of a policy on unauthorised encampments. Measures commonly used include the installation of lockable gates and the erection of barriers, earth mounds (bunds) or large rocks at entrance points. However, the guidance makes clear that, unless more public sites are created, land protection measures may have the effect of forcing Gypsies and Irish Travellers to set up camp in a more prominent place, leading to more complaints from the public.

The guidance advises that, for so long as unauthorised encampments remain, agencies should work closely together to make sure resources are used efficiently and effectively. Local authorities are advised to consider providing basic services, such as toilet facilities, skips for domestic waste and drinking water, in the interests of both the occupants and neighbouring communities, and to work closely with the police to tackle anti-social behaviour and crime.

Council tax cannot be collected from most unauthorised encampments because of their transient nature. It can only be assessed on 'non-transient' occupations of pitches (*see appendix 8*). Guidance from the Valuation Office Agency,⁶⁵ the agency which values property for the purposes of taxation, defines this as a caravan and pitch that has been in the same occupation for at least twelve months.

6.2 The findings

6.2.1 Number and frequency of unauthorised encampments

Nine out of ten local authorities (89.4%) responding to our survey said they had dealt with unauthorised encampments by Gypsies and Irish Travellers. The ODPM caravan-count data for England (January and July 2004) show that unauthorised encampments may be found in most local

authority areas, increasing in both size and prevalence during the summer.

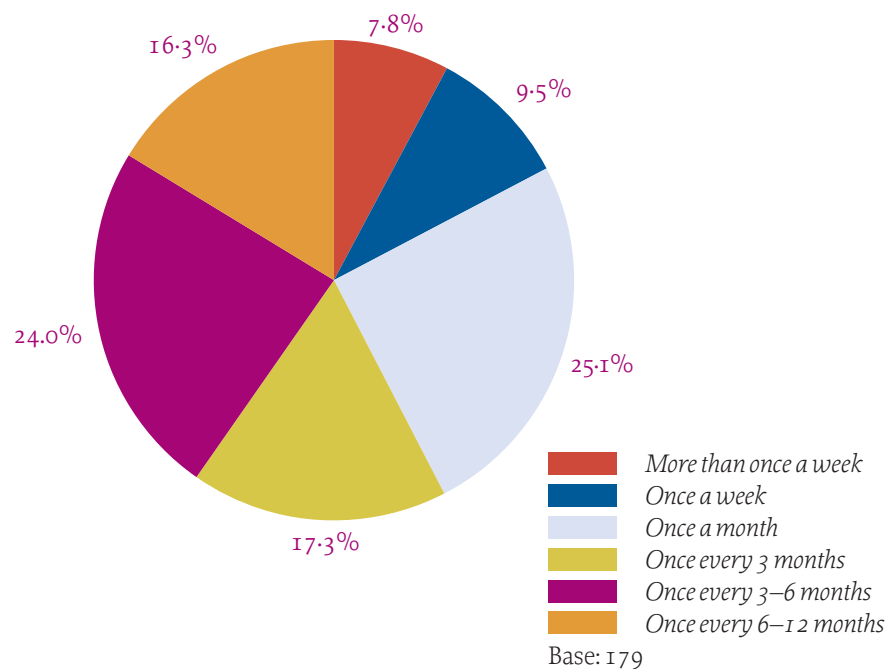
We analysed the ODPM data for families living on unauthorised sites in the areas of the 227 local authorities that had responded to this question.⁶⁶ On the day of the count:

- 39.8 per cent of authorities had no families;
- 20.3 per cent had up to five families;
- 10.2 per cent had between six and 10 families; and
- 25.8 per cent had more than 10 families.

Of those authorities with more than 10 families, 16 had more than 50 families, and four had more than 100 families.

One aspect of unauthorised encampments not captured by the ODPM statistics for England is the frequency of unauthorised encampments. The evidence from our survey indicated that this varied considerably, both across areas and over time. Thirty-one local authorities reported experiencing at least one unauthorised encampment a week. For a further 45 authorities – nearly one in five of the total – unauthorised encampments occurred at least once a month (*see figure 11*). Other authorities reported very rare instances of unauthorised encampments in their area.

Figure 11. Rate of unauthorised encampments (%)



The ODPM data for England suggest that the overall number of unauthorised encampments has remained relatively stable in recent years. In several of the case study authorities, officers reported that unauthorised encampments were occurring less often. Various explanations were offered for this, including the existence of a transit site, increasing numbers of Gypsies and Irish Travellers buying land and applying for planning permission (both in the local authority area and in other parts of the country), Gypsies and Irish Travellers choosing to move into – or resorting to – conventional housing, and the attitude of the local authority in not tolerating unauthorised encampments.

6.2.2 Effects of unauthorised encampments

We found that unauthorised encampments have a significant effect on community relations. Two-thirds (66.9%) of local authorities responding to the survey said there had been tensions in the community over Gypsies and Irish Travellers. Almost all (93.7%) of these authorities said that unauthorised encampments were a cause of tensions, making this the most common cause of tension.

Our evidence showed that unauthorised encampments were mostly set up on industrial estates, land awaiting development, farmland, highway land and lay-bys. Interviewees noted that small encampments in secluded locations largely escaped notice, while others, consisting of large numbers of vehicles parked on land for public amenities, such as playing fields, attracted considerable public and media attention.

Local authorities exercise discretion over whether to provide basic services, such as portable toilets and domestic rubbish collection services, on unauthorised encampments. In areas where these services were not provided, one of the most frequent concerns was the environmental consequence of rubbish and human waste. These accumulations can look unpleasant, and are hazardous and costly to clear up. While general rubbish was a frequent cause of tension and complaints, human fouling was the biggest cause of concern for local residents, and the greatest source of tension, according to many local authority and police interviewees in the case study authorities. Clearly, preventing a build up of waste, and removing rubbish, should be essential aspects of managing unauthorised encampments.

For many members of the public, fouling is a bigger issue than anti-social behaviour. ___ [a parish councillor] was appalled when he saw a child of around three do their business and run off [This issue] touches something inside people it is almost a taboo for people and this is why it has such impact ... This is the one thing they always go on about, this is the big issue. *Police officer*

It's very difficult, often we couldn't find anywhere to go; garages wouldn't let you use their facilities. It's very bad for the kids, sometimes they would have to just 'go' somewhere; you know they shouldn't, but what can you do? *Irish Traveller*

The lack of facilities on unauthorised encampments has implications not only for the immediate environment and those living nearby but also the health of those living in these conditions. Gypsies, Irish Travellers and their support groups spoke of the problems arising from the lack of basic facilities, such as waste collection on unauthorised encampments. These problems were compounded by difficulties in disposing of waste by other means, not least because large vehicles often needed licences to get into local waste disposal sites, and some Gypsies and Irish Travellers did not have the literacy skills to fill out the application forms. Although many caravans had toilet facilities, Gypsies and Irish Travellers were often opposed to using these for cultural reasons, and would only use outside facilities or, in the absence of these, open ground. The reasons for this were explained by one Gypsy.

We can't use the toilets inside the trailer because we see that as really unclean in a place where you're living. We've got lots of traditions about how to keep things clean ... it's a bit like Jewish people and the way they keep things kosher. *Gypsy*

Specialist health workers interviewed in the case study areas said that the lack of toilet facilities had serious effects on the health of those living on unauthorised encampments. One health worker told us that in her experience inadequate facilities at stopping places could lead to urinary problems and renal failure.

Alongside the problems caused by accumulations of rubbish and waste, crime and anti-social behaviour were associated with some unauthorised encampments. As well as reported incidents of anti-social behaviour, local residents – and sometimes even the local authority and police – saw the very existence of an unauthorised encampment as inherently anti-social, or even as criminal. In fact, no criminal offence is committed unless the occupants of an unauthorised encampment are served with an order made by a court under section 77 and fail to comply with it, or fail to leave when directed by a police officer under section 61 of the Criminal Justice and Public Order Act 1994. Compounding this belief was the general perception among the public that the occupants of unauthorised encampments did not pay either income tax or council tax, and were not penalised for crime and anti-social behaviour in the same way as other people. It was also believed that Gypsies and Irish Travellers either moved or were moved on to avoid prosecution. These views came together in the commonly expressed sentiment that there was 'one rule for us, and another for them'. As with unauthorised developments (*see section 5.2.5.a*), we found that people were more hostile to Irish Travellers living on unauthorised encampments than to Gypsies in similar circumstances.

While it was clear that these views were informed and reinforced by stories in the local and national media, it is important to acknowledge that some local residents spoke from direct experience of living next to unauthorised encampments, and being affected by them. Some of those we spoke to expressed fears about their own safety and the safety of their families. Several said they felt unprotected by the police or the local authority when encampments occurred on privately owned land. Interviewees from police forces, local authorities and local communities added that they knew of vigilante action being taken to deal with unauthorised encampments on their land, because people thought they had no alternative.

I recently dealt with an unauthorised encampment on a farmer's field. He was too frightened to go and talk to the Travellers himself, and was beside himself with worry about what might happen to his land. So he was just about to go and get some of his friends together and spray the field with slurry. Luckily we found out about it and sorted the situation out ... bin bags were given out and the Travellers left a few days later, as agreed, with no damage to the land ... but people really are frightened.

Police officer

The evidence we collected was a powerful indicator that unauthorised encampments, as the most visible form of Gypsy site, played a major part in shaping public opinion and attitudes, not only towards the Gypsies and Irish Travellers living on certain unauthorised encampments, but towards all Gypsies and Irish Travellers (Niner, 2002).

6.2.3 Policy on unauthorised encampments

a. Do local authorities have policies on unauthorised encampments, and what do these include?

Three quarters (75.8%) of the local authorities that said there had been unauthorised encampments in their area had a formal policy for managing them. Seven of the nine case study authorities also had a policy for managing unauthorised encampments, although in one authority it existed only in draft form.

We found a direct relationship between having a policy and the following:

- the number of unauthorised encampments;
- the score achieved on the 'best value' performance indicator BV2b,68 (*see appendix 9, reference 32*) which measures performance in meeting the duty to promote race equality and good race relations (*see appendix 4*);

- having a member of the corporate management team responsible for the interests of Gypsies and Irish Travellers (although it was not clear whether this was a cause or effect);⁶⁷ and
- having a Gypsy and Traveller liaison officer (GTLO).

The content of policies for managing unauthorised encampments varied widely among the authorities in the survey. Around a fifth (19.3%) included provisions on unauthorised development; more than three-quarters had provisions on eviction and/or toleration or non-harassment (83.8% and 76.9%, respectively); nearly three-quarters (73.8%) included a joint protocol with the police; and nearly two-thirds (61.9%) included a policy or procedure agreement explaining in detail how the different officers involved should put the policy into practice. Some policies also referred to other areas, such as health, education and social welfare; fire services; waste management; human rights considerations; how to use national guidance and circulars; the local plan for the area, with relevant extracts; communications strategies; staffing and resources; and codes of conduct and behaviour for Gypsies and Irish Travellers.

Although nearly two-thirds of all local authorities (64.4%) said they thought managing unauthorised encampments was relevant to the duty to promote race equality and good race relations, only one in ten (10.6%) had referred to this function in their race equality scheme (RES) (*see section 3.2.2*). This was reflected in the small proportion of policies submitted as examples that mentioned the duty or cross-referred to the RES. For the most part, there was no explicit consideration of what the duty might mean in practice, although one authority responding to the call for evidence gave a detailed account of how its unauthorised encampment policy had been identified as being highly relevant to the duty, and mentioned that it had made some important changes to its practices as a result.

None of the case study authorities' policies on unauthorised encampments included anything on communications, nor did they even mention the need to keep the public informed, either directly or through the press, about unauthorised encampments. Four of the policies referred to the race relations legislation, but, with one exception, only in passing. None of the policies were cross-referenced to the RES or mentioned the duty to promote good race relations as part of the duty, although two policies explicitly recognised that unauthorised encampments were controversial and a source of local tension.

b. How do local authorities develop their policies?

The development of a good policy depends on listening to those who will be affected by it and those who will have to put it into practice, and taking account of what they say. As part of the duty to promote race equality and good race relations, local authorities must make arrangements to consult on and carry out a race equality impact assessment (REIA) of any proposed policies that are relevant to promoting race equality and good

race relations. An REIA is a way of systematically assessing the effects that a proposed policy is likely to have on different racial groups, and its effects on relations between different groups, thus enabling local authorities to identify any potential problems with the policy at the outset. This should be done as part of the policy development process. In the context of policy on unauthorised encampments, the assessment should cover issues such as: the policy's implications for the welfare of Gypsies and Irish Travellers living on encampments, and their access to services; the policy's effects on those living close to encampments; the effects on all groups of how they are informed of the policy; and the overall effects of the policy on race relations.

i. Do local authorities consult on policies?

We found one example of an authority that had used a consultation exercise as a way of building understanding between different sections of the local community. It had previously held large public meetings, at which around 700 local residents had vocally opposed unauthorised encampments. Now, it was trying to encourage a more constructive dialogue by inviting a small group of people to a panel discussion, where they could raise their concerns and receive reliable information. Barristers were invited to explain the legislation, education and health workers provided information, and Travellers and other local authority officers were also asked to give evidence. One of the participants, who had initially been seriously concerned about any more Gypsy sites, felt more supportive of Gypsy sites in general, and had recently lodged an objection to the local plan because it did not provide properly for sites.

I'm not saying they all became supportive overnight, but at least they recognised the complexity of the issues and were aware of the legislation. This led them to realise 'it doesn't matter if I sing and scream and dance, it will still take seven days to get an order.' They were shocked by the health issues. *GTLO*

However, most local authorities did not consult everyone who was likely to be affected by their policy on unauthorised encampments. Evidence from the survey showed that they were most likely to consult local police forces on the policy (80.6%). Only around a fifth of authorities consulted Gypsies and Irish Travellers (22.5%), and other local residents (19.4%) (see *figure 12*).

Figure 12. Organisations and individuals consulted on local authorities' policies on unauthorised encampments (%)

| <i>Groups consulted</i> | <i>% of authorities</i> |
|--|-------------------------|
| Police | 80.6 |
| Local Gypsy/Irish Traveller support groups | 38.1 |
| Landowners | 26.3 |
| Individual Gypsies and Irish Travellers | 22.5 |
| Other local residents | 19.4 |
| Local racial equality council | 13.1 |

Base: 160

It is unclear why there should be so little, and such imbalanced, consultation, especially when two-thirds of the authorities responding to our survey identified these policies as being relevant to the duty to promote race equality and good race relations. Our findings in the other parts of our research highlighted similar concerns. Gypsies and Irish Travellers had not been consulted when the policy on unauthorised encampments had been formally changed and others in the community were also rarely consulted, even when authorities were aware that there were concerns. Some local authorities had set up working groups or forums on unauthorised encampment, which included statutory bodies and members of the public, but not Gypsies and Irish Travellers. It is unclear how those meetings served either to allay local concerns or to promote understanding between different groups in the community (*see section 3.2.3*).

ii. Do local authorities carry out REIAs of policies?

We found very few examples of local authorities that had carried out what by CRE standards could be called an adequate REIA of their policy on unauthorised encampments. This was significant, because, where an assessment had been done, it showed that the policy needed revision.

One authority had screened all its services for their effects on race equality and race relations, and found that services for unauthorised encampments could have a negative effect. The main problems were the lack of rubbish collection services at sites, public complaints about rubbish and difficulties for Gypsies and Irish Travellers in accessing local services. The assessment also found that staff needed training on how to provide services to the occupants on encampments, and work with colleagues in other departments to make the best use of resources and reduce cause for complaint. A training package had been put together to

cover a wide range of subjects, such as rubbish, fouling, the cost of unauthorised encampments, the history of local Gypsies and Irish Travellers, health and access to services. More focused training was provided for any member of staff who might have contact with unauthorised encampments, including some who at first glance might not seem likely to do so, such as staff working in street services, parks and reception or customer services; maintenance crews; and front line staff in sports centres.

Most local authorities had not properly assessed their policy on unauthorised encampments in the light of the duty to promote race equality and good race relations. Of those local authorities that had made changes to their policies since May 2002, only six (8.8%) had first assessed the effects the revised policy might have on race equality and race relations. And only 5.6 per cent of local authorities with a policy for managing unauthorised encampments had monitored the effects of this policy on race equality and race relations.

Evidence from the case study authorities suggested that a possible reason for this failing was the perception that, since most of the occupants on unauthorised encampments were Gypsies and Irish Travellers, these groups were inevitably more likely to be disproportionately affected by the authorities' policies, even if they were not actively discriminated against because of their racial group.

I felt from going through it [the assessment process] that we wouldn't treat any groups differently from any other groups. It didn't matter who was on the unauthorised encampment. We wouldn't treat them differently from any other section of the community.

Local authority officer

6.2.4 Approaches to unauthorised encampments

The approaches taken by local authorities and the police towards unauthorised encampments in practice varied considerably. Even when there was a policy for managing unauthorised encampments, there were no clear, formal procedures for following it, and individual local authority officers used considerable discretion in matters such as negotiation and toleration. In some of the case study authorities, officers said the policy was not actually followed, or that sections of it were ignored. Police officers in four of the case study areas also said there was little consistency in following their policy. One police officer said this was because younger, less experienced officers were mainly responsible for initial responses to unauthorised encampments. Others pointed out that some officers had better communication skills and might therefore adopt a less confrontational approach.

GTLOs and health and education officers with whom we spoke said that applying the policy on unauthorised encampments flexibly, and allowing individual officers some discretion, had benefits, enabling Gypsy and Traveller families to access basic services. Some GTLOs said they were able to provide basic services to unauthorised encampments, such as rubbish collection, provided they did not draw public attention to it (*see section 2.2.2*). One Traveller Education Services (TES) officer provided services to Gypsies and Irish Travellers on some unauthorised encampments, without formally reporting the encampment to the local authority officer in charge. This was because it was fairly widely held that district officers would opt for quick eviction, regardless of any welfare considerations.

If I find a family on the roadside I don't draw attention to them ... I don't want ___ [the officer concerned] to go and evict them. *TES officer*

On the other hand, taking a flexible approach could mean lack of coordination between different aspects of the policy on managing unauthorised encampments, and conflicting objectives between local authority staff and their colleagues in related services. In one case study authority a health officer told us that communication between officers with different responsibilities was poor, with the result that important information about an encampment was often not passed on to the relevant department. This can be to the detriment of Gypsies or Irish Travellers on the encampment, since health and education officers were among those cited in our call for evidence as being most commonly excluded from the process as a result of poor communication. Some local authority officers said this approach was wasteful of resources.

a. Do local authorities have 'toleration' policies, and what are their effects?

As mentioned earlier, the government has advised local authorities (HO and ODPM, 2004; HO and NAW, 2005) to tolerate unauthorised encampments for a period, if their location is not particularly unsuitable, and if the encampment does not give rise to any other major concerns. Toleration can provide benefits, and keep confrontation down, but it should be part of a wider strategy that includes providing another site. As noted in chapter 4, toleration can cause problems if it is used as an alternative to providing sites.

Approximately three-quarters of the local authorities responding to the survey (76.9%) said that their policy on unauthorised encampments included a toleration or non-harassment policy. However, the way these policies were put into practice varied widely. In five of the case study authorities, officers visited unauthorised encampments and agreed specific short- or longer-term departure dates. They then followed this up with regular visits, to make sure the occupants were on schedule to meet the deadline. In two of the authorities occupants were sometimes allowed to stay indefinitely, provided they followed certain codes of behaviour.

In some of the case study authorities, members of the public were kept informed about how long the encampments would remain; in others, they were told only that the local authority was dealing with the unauthorised encampment through its formal procedures. Some residents in areas that used more informal approaches spoke of their sense of frustration at the local authority's failure to remove unauthorised encampments more quickly.



Unauthorised encampment in urban area.

Attitudes towards toleration among officers and councillors varied, both within and between authorities. For example, in two case study authorities, some officers felt that controlled toleration allowed them to balance the needs of different groups, giving Gypsies and Irish Travellers somewhere to live in the short term, but moving families on where the size or location of the encampment, or the behaviour of its occupants, created problems, either on the spot or in the rest of the community. However, several councillors in the same authorities saw toleration as an effective substitute for providing public sites, and allowing them to avoid public criticism for doing so (*see section 4.2.3.a*). In neither of these two authorities was the policy of toleration made public, and councillors who privately recognised its political benefits had made statements to the press calling for stronger enforcement action. None of the case study authorities had assessed the policy, or monitored their toleration policies and practices, and could not know whether the approaches they were pursuing were good for race equality or race relations.

Police practices on toleration also varied. Significantly, in every police force we visited we were told that what officers did in practice either flouted or undermined the force's formal policy. For example, in two police forces where a toleration approach had been agreed upon, police officers described a practice of repeatedly visiting camps to put pressure

on Gypsies and Irish Travellers to move on. Gypsies and Irish Travellers who were interviewed said they felt intimidated by this. An Irish Traveller, whose encampment was visited two or three times a day by the police described this as 'harassment'. 'If you are a Traveller, they hound you every day. You get used to it and leave them to it.' In the course of some of these visits, the police removed belongings, if there was no receipt for them: 'Every day they are taking things.' One Irish Traveller woman said that, after spending £190 on Christmas presents for her children, because she couldn't provide receipts, the police took the presents away. None of the Irish Travellers in this encampment had been charged with any offence, despite the continuous visits from the police. As the practice was not official, and did not appear in the policy, it had not been monitored or assessed through an REIA.

b. Do local authorities use land protection policies?

Although land protection can be a valid part of a policy, government guidance makes clear that it should not be relied on to the exclusion of other measures for dealing with unauthorised encampments, and must only be considered alongside the creation of permanent sites, transit sites and stopping places, to make sure there are places where Gypsies and Irish Travellers can stop without causing disruption.⁶⁸ We were told by Gypsies, Irish Travellers and their support groups that, in many areas, particularly in urban settings, the combined effects of land protection measures and the commercial development of former stopping places had been, in the absence of steps to create sites, to reduce or remove the option of stopping in a secluded location, in order to avoid hostility from local residents.

Often the only thing not blocked off is the local cricket or football pitch.

Local Gypsy/Traveller support group

Some local authorities combined measures to protect land with the creation of temporary stopping places. One authority had developed a scheme to protect a public common, by allowing walkers and animals only to enter at certain points, while providing three small areas as temporary stopping places.

Some land is banded up [access prevented through the use of earth mounds] but we're going away from the idea of heavily fortifying sites. It just brings unauthorised encampments too close to residential areas, which isn't good for either party. *GTLO*

However, local authorities' approaches to land protection varied. Some blocked off land that had been used as an unauthorised encampment as soon as it was vacated. In several cases, local authority officers and Gypsy and Irish Traveller support groups described how authorities had begun intensive work to protect land, to prevent unauthorised encampments,

but without considering how they would respond to the substantial need for Gypsy sites.

There was no evidence that authorities with land protection policies had considered the implications of these policies for race equality and race relations. Yet, many Gypsies and Irish Travellers, as well as those working with them, pointed out that these policies led to unauthorised encampments in more visible locations, and, in turn, to more evictions and greater tension between them and other groups. Some local residents in the case study authorities objected to the use of public money to protect land and undertake clearing up operations, as well as to the restrictions on access to some public places that followed some land protection measures.



Examples of measures taken to protect land against unauthorised encampments.

c. Do local authorities have formal partnerships with the police?

Police forces are local authorities' essential partners in managing unauthorised encampments. Around three-quarters (73.8%) of authorities that had a policy for managing unauthorised encampments said it included a joint protocol with the police. Three of the case study authorities had a joint protocol with the police, although in one case some key officers were not aware of its existence.

In all the police forces where interviews were conducted officers said that the force maintained close links with local authorities in the area, and that these links were important in managing unauthorised encampments well. However, as a number of police officers mentioned, there were difficulties in communication and joint work; for example, they said the police were a '24/7 service' and therefore expected to deal with issues that arose outside local authority operating times.

Relationships on the ground are very good ... [but] the local authority feels under-resourced and relies on the police to get them out of a pickle ... in partnership work it is the police who deliver. We are the 24/7 organisation. *Police officer*

Differences of opinion between local authorities and police also surfaced in all the case study areas as to the circumstances in which it was appropriate to use the Criminal Justice and Public Order Act 1994 (Section 61) to evict occupants from unauthorised encampments. Many of the police officers we spoke to had reservations about using these powers, and said they did not routinely resort to such measures. The two main reasons for this reluctance, expressed variously, were, first, that the powers were discretionary, and to be used only when certain criteria were met; and, second, that these measures required considerable resources, which were unlikely to be made available.

I'm not saying don't use it, but we have got to balance. Sometimes I feel like we're just shunting people around into more visible locations. If we just cause problems through the use [of section 61] I question should we be using it to this extent. *Police officer*

I'm incredibly reluctant to use section 61 ... we then have responsibility for homelessness; social services would not be impressed if I said I have 25 families for you to house, because I've seized their caravans. *Police officer*

Local authorities, on the other hand, generally said that the section 61 powers were useful. As noted in chapter 2, authorities and, in particular, councillors may come under intense pressure from the local community to take enforcement action against unauthorised sites. Such action can be long and expensive, so, from some authorities' point of view, police intervention was a quick and effective alternative that still gave the public the impression that a strong line was being taken. Some police officers were concerned that this was leading to their being put under pressure by local authorities (as well as by local politicians, businesses and residents) to use the section 61 powers inappropriately.

Some local authorities think that by using the police as bailiffs they can save costs and hide the real extent of expenditure from the general public. *GTLO*

[The local authority] always asks the police to use section 61 ... there is a loaded question from [the local authority], 'Are you using section 61?' If we say no, they say, 'Can we ask you to use it?' ... [The police force] do not need to be asked to use section 61, as part of their process is they actively consider it. We've had spiky discussions ... but we won't be influenced, the fact that the council want us to use it isn't a factor in our decisions.

Police officer

The sooner the penny drops with the local authorities that section 61 won't automatically be used the better. Local authorities ring up and think that it can be used as a matter of course. We need to make clear that we're not in anyone's pockets on this ... There is the perception that we're the enforcement arm of the local authority. *Police officer*

Significantly, we found that, although they were under similar financial and other pressures as local authorities, police forces had considered more closely the potentially discriminatory effect of using their section 61 powers against unauthorised encampments without good reason. Several officers expressed concern that the powers had been drawn too widely, and that their use could cause damage to Gypsies and Irish Travellers, particularly when all the occupants of an encampment were evicted because of anti-social behaviour by some, and also harm race relations more widely.

It [section 61] is just grief for all communities. What are you supposed to do with the Gypsy and Traveller community when you've used section 61? ... You are back to square one. Councils are always thinking of using section 61 [but] what is the point of moving people on without anywhere to put them? *Police officer*

Attributable anti-social behaviour will trigger section 61 but you don't evict a whole council estate just because of one troublesome family. You evict that family ... Why evict someone when they haven't done anything? We need to show openness and transparency. If anti-social behaviour powers can be applied to individuals in the settled community, I don't see why they are not applied to individuals in the Gypsy and Traveller community ... If the degree of anti-social behaviour is enough to justify arrest, why not arrest them? Or section 61 could be used on an individual family if there is an attributable increase in anti-social behaviour. *Police officer*

None of the joint protocols with the police referred to the duty to promote race equality and good race relations.

d. Do local authorities use negotiation or eviction as the main approach to managing unauthorised encampments?

Eviction is an important tool in managing unauthorised encampments. While government guidance recommends that it should be used as a last resort, when unauthorised encampments cannot be tolerated, and a negotiated departure is not possible, local authorities must ensure that the law is enforced. If local authorities decide eviction is the only possible course of action, it is important they plan carefully how the eviction will be carried out and communicated publicly, to minimise its consequences for the health and welfare of those on the encampment, disruption to those living nearby, and damage to local race relations.

Authorities may use agents, such as private bailiffs, to carry out evictions from unauthorised encampments. In these cases the authority should make sure, by making appropriate contractual arrangements, and monitoring them, that the agents' actions do not put the authority in breach of any aspect of its statutory duty to promote race equality and good race relations (CRE, 2003).

i. Reaching resolution through negotiation

In the case study authorities, eviction had been used only as a last resort, and there were few recent examples. Instead, most areas used a policy of toleration of unauthorised encampments (*see section 6.5.1*). The lack of public sites for Gypsies and Irish Travellers was balanced against the need



Unauthorised encampment in urban area.

to evict when encampments were particularly large or in unsuitable locations.

Respondents from the local authorities and police forces in these areas described their approach to unauthorised encampments as one of 'negotiation'.

Even in situations of potential tension, early engagement and regular communication by local authorities and the police with those on unauthorised encampments can help resolve

them successfully. We were told that when authorities and the police had established positive relations with the occupants, and visited them regularly, the encampments had been left by the agreed departure dates.

Officers in some local authorities and police forces said that good communication had helped to reduce the adversarial nature of evictions, and had encouraged Gypsies and Irish Travellers to place trust and confidence in statutory bodies. On the other hand, when local authority

officers had no direct contact with the occupants on unauthorised encampments, it was more difficult to negotiate their departure. In one authority, an officer made an initial 'visit' by driving past the encampment, without speaking to anyone there. The officer had been advised by the authority not to get out of the car for health and safety reasons. Responsibility for assessing welfare needs on the encampment had been given to private bailiffs, which did not improve relations between the occupants and the authority.

Although the benefits of negotiation are widely recognised, it does not always have unanimous support in the community: some favour immediate eviction, unaware of the welfare issues that authorities have to take into account in reaching a decision. Pressure for the local authority and police to evict immediately may be exerted by the public in the form of complaints and hostility, and by locally elected councillors representing the views of their constituents (*see chapter 4*).

Local people see this [negotiation] as being nice and friendly and not tough, which is what they want. This is because they do not fully understand the law ...The local population ask themselves, 'Why aren't we seeing policing of this thing that has invaded us?' *Police officer*

You get residents' groups putting pressure on local ward councillors to deal with unauthorised encampments or perceptions of issues with Travellers. The councillors then put pressure on local authority officers to deal with the matter. In this way the whole thing becomes politicised when councillors appear in papers and pledge to take a stand. It starts to exert pressure on the council officers, and even borough commanders, who will be repeatedly asked what they will do. *Police officer*

ii. Resorting to eviction

As some authorities pointed out in their survey responses, while negotiation was the preferred route, when Gypsies and Irish Travellers did not adhere to agreed deadlines there was no option but to evict.

Since April 2001, 50.8 per cent of the 236 local authorities that responded to our survey had forcibly evicted Gypsies and Irish Travellers from land that they did not own. Nearly one in five (17.4%) had forcibly evicted Gypsies and Irish Travellers from land they did not own on more than ten occasions since then.

We found some evidence of efforts to communicate with Gypsies and Irish Travellers on unauthorised encampments when an eviction was imminent. For example, when a large unauthorised encampment appeared, a police officer visited every day to speak to the head of the group and keep the occupants informed of developments. Advance notice was given of eviction. On one visit the police officer learned that some of

the caravan owners were working in another area and would not be able to move until after the date of the eviction. The caravan was left and duly collected a day later.

Good communication helps things work smoothly. It's all a matter of how you approach people [on unauthorised encampments]; with Travellers it is about respect and communication skills. *Police officer*

Some local authorities tried to carry out evictions quietly, to minimise disruption to all involved, and informed the rest of the community about it in a measured way, through press releases or interviews. However, others had not given any thought to the effects that evictions, and how they were planned, carried out and communicated, might have, either on the Gypsies and Irish Travellers or the wider community, or on relations between them.

A quarter (25.8%) of local authorities had contracted an external agency (for example, bailiffs) to carry out evictions. More than two-thirds of them (67.2%) had not built race equality considerations into the contract with the external agency. Moreover, five of them erroneously believed that the contractor, rather than the authority, was responsible for ensuring that the duty to promote race equality and good race relations was complied with when carrying out the eviction. Interviews in the case study authorities and responses to the call for evidence indicated that this approach to carrying out evictions was viewed with concern by some local authority and police officers as well as by Gypsies and Irish Travellers. County court bailiffs were generally considered to be less confrontational than those from private companies.

They [private bailiffs] are not the most ethical people ... traditionally bailiffs tend to be 7 ft tall, wide as a door and very heavy-handed. *Police officer*

I was not aware that [private bailiffs] were being used ... If I had known it would have been fairly obvious they were going in heavy ... It was a shame, the bailiffs seemed to enjoy what they do. They are just bully boys. *GTLO*

The call for evidence produced a number of examples of decisions being taken to carry out high-profile evictions with no consideration of their effects on race relations or on those evicted. In some cases, the evictions were handled with respect for those involved. However, some Gypsies and Irish Travellers described traumatic experiences – for example, being woken by the police and private bailiffs' companies early in the morning and being given ten minutes to leave – and pointed out the effects, particularly on the elderly and young children, of repeated eviction.

I've been moved on over 50 times in the past few months. They [the police] don't usually show court orders, they just tell you you've got to go. They have said, 'We don't need the council or court, we have the power to move

you, just go.' It's mostly early in the morning, we've had them come as early as 6 am and expect you to shift, don't even give you time to wash the children. Often it will take you till very late at night to find somewhere to stop ... The children can get very frightened, often crying, especially if we are moved while they are at school. If we have moved late they are just too tired to send to school, or too upset. My Dad has Alzheimer's, it has been terrible to watch him suffer, sometimes it's amazing how he knows where he is, but my parents are old, they can't go on like this. My kids go to school in a 'Trav-Ed taxi' [provided by the Traveller Education Services]; I've had to go back to a camp to wait for the taxi because he [the taxi driver] won't know where we've gone. Once I didn't get there in time and the kids thought I had just left them, they were terrified. *Irish Traveller*

We found that the way in which evictions were carried out and communicated could have powerful repercussions on the public, on Gypsies' and Irish Travellers' willingness to cooperate with statutory bodies, and on community relations in the area. Interviewees emphasised that high-profile evictions, which were often widely reported in the local media, increased community tensions.

There's all the difference in the world between an encampment moving off peacefully and being evicted by 100 police in riot gear. That kind of thing isn't forgotten for a long time. *Local authority officer*

I say to them [other GTLOs] think of the costs of it [adversarial eviction]. Apart from the financial cost, how can you expect people [Gypsies and Irish Travellers] to engage? You can't expect them to doff their cap to you. There's got to be respect on both sides. *GTLO*

6.2.5 Management of unauthorised encampments

a. Do local authorities provide services for unauthorised encampments?

The local authorities in our survey took various approaches to providing services for unauthorised encampments. Several provided basic facilities, including waste collection and toilet facilities, on all unauthorised encampments, while some provided chemical toilets, skips and bin bags, supplied on request. In some instances Gypsies and Irish Travellers made voluntary financial contributions towards the facilities. One case study authority had provided toilet facilities and refuse collection for unauthorised encampments on both local authority and privately owned land, in spite of public pressure not to do so. Local authority officers, on the contrary, emphasised the benefits of this approach: providing essential services to occupants, keeping environmental damage in the area to a minimum, and, in the long run, reducing tensions and hostility between Gypsies and Irish Travellers and other local residents and thereby promoting good race relations.

I spoke to the CEO ... he was conscious the community might say we're positively encouraging them [by providing facilities], but it struck me that it was well worth attempting. It's less of a problem afterwards and affords respect, rather than regarding them as a nuisance. *Councillor*

In areas where basic facilities were provided, officers emphasised the importance of having good relationships with the occupants of sites, so that both rights (including the right to services) and responsibilities (including the responsibility to use those services with least damage to the environment) could be made clear.

We had over 100 unauthorised encampments last year. There were no clear-up costs and we didn't go to court once. I talk to people with respect and tell them, 'If you play the game, we can defend you, if you don't, I can't.'... Travellers say, 'you respect us, we respect you'. *GTLO*

When authorities did not routinely provide basic facilities, it was clear that some had simply not seen this as a priority, while others wanted to avoid public criticism for providing services to those living on unauthorised encampments. There was real fear, among both authorities and local residents, that providing facilities would encourage the occupants of unauthorised encampments to remain longer, or lead to new ones being set up. However, several specialist officers said this was untrue, and that the only noticeable effect would be on the environment. Another reason local residents gave for denying occupants even basic services was that those on unauthorised sites did not pay council tax, and therefore did not contribute to the costs of the services. Gypsy and Traveller support groups explained that paying council tax was not possible, in the case of short-term encampments, since the land was not registered or banded, and that the encampment would have to be in place for one year before council tax became payable. Some Gypsies and Irish Travellers said they would be prepared to pay a fee towards the services they needed, but local authority officers suggested that this would be administratively unworkable in practice, and that the difficulty of arranging it would outweigh any benefits.

Significantly, in some authorities, although there was no formally agreed policy on providing services, specialist officers did make basic facilities available. They said they were allowed to do this, provided they did not draw public attention to their actions. In other areas, local authorities were more reluctant to provide, and more importantly to be seen to provide, any facilities. For example, in one area the police reported that the local authority would only make rubbish disposal facilities available on unauthorised encampments if the police requested it. The police saw this as the council trying to avoid being seen to be providing facilities to unauthorised encampments.

[Name of police officer] has to go to the council every time and beg and borrow black bags for unauthorised encampments. The council feel that they are condoning unauthorised encampments if they give black bags. We have to persuade the council ... it's a deliberate thing on their part; they have a political game to play. If the council officers are seen by the councillors to do certain things [provide black bin bags], then it would cause trouble for those officers. It's easier for the council to concede to the police's request. *Police officer*

Even though it was clear that not providing basic services to unauthorised encampments increased tensions between Gypsies and Irish Travellers and other groups, only one of the case study authorities had considered this in the context of the duty to promote race equality (which includes good race relations). None of the case study authorities had monitored the effects that providing or withholding basic services to unauthorised encampments had on different racial groups or on race relations, either in their own or in neighbouring authorities.

b. What are the effects of policy and practice on health, welfare and education?

Specialist health workers and TES officers told us that frequent evictions from unauthorised encampments carried significant risks for Gypsies' and Irish Travellers' health and education. The range of health and educational problems Gypsies and Irish Travellers experience as a result of living on unauthorised encampments, and being moved on or evicted, is well documented (Van Cleemput *et al*, 2004). Issues reported by specialist workers through interviews and the call for evidence included:

- lack of access to primary health care, including immunisation programmes for children, because they did not have a postal address, and had to leave sites at short notice;
- damage to mental health and self-esteem, particularly where evictions become confrontational or violent;
- lack of self-confidence among children, in some instances associated with fears or experience of racially motivated bullying; and
- difficulties in giving children an education, particularly when there was uncertainty about the date of eviction or when the family would be moving on, or when the eviction took place at very short notice and the family was forced to move into a different area and remove the children from the school they were attending.

c. Are welfare needs assessed before eviction?

As noted above (*section 6.1.2*), local authorities have a legal responsibility to assess occupants' welfare needs before deciding to evict them, either

from Gypsy sites or from conventional housing. In our visits to case study authorities and during the call for evidence we came across numerous instances where the welfare needs of Gypsies and Irish Travellers living on unauthorised encampments had not been assessed, or had been assessed in a way that made identifying needs unlikely. For example, in one authority, some of the health and education officers thought they were given unreasonably short timeframes for assessment, to reduce the chances of finding reasons not to evict. Several respondents to the call for evidence said that the questionnaires used to assess welfare placed the onus on Gypsies and Irish Travellers to say what they needed, rather than on the local authority to find out what that was. In all these examples, the approach appeared to be motivated by the desire to proceed quickly with eviction.

They [Gypsies and Irish Travellers living on unauthorised encampments] are given the opportunity to say they have health problems, but the questions are sandwiched in the middle of a long string of sentences. It's not meant to be heard. Questions are worded in a way not to receive problems. *TES officer*

We do a limited welfare assessment for enforcement. If it is a large site, we involve the GTLO. Otherwise we say, 'Make us aware if there are any issues.' We toyed with the idea of a long four-page form, but I don't think they would give us answers ... we don't interview every caravan on site and ask about health needs, but if they come to us and say, 'We've got a hospital appointment,' we're flexible. *Local authority officer responsible for unauthorised encampments*

In one example received through the call for evidence, a local authority officer asked the occupants of all unauthorised encampments if they needed a welfare assessment, without explaining the reason for it or its benefits. Since occupants of unauthorised encampments did not usually have a good relationship with statutory bodies, they were suspicious, and wary of any contact. As a result, evictions were carried out without regard for their health and educational needs. When specialist health and education workers asked why they were not being involved, and asked if they could tell the occupants about the benefits of an assessment, their request was refused. They were told that this was because it would be a breach of occupants' human rights to allow visits from health and education professionals when they had already declined the service.

In three of the case study authorities, private bailiffs had been hired to coordinate assessments of welfare need. Some of the responses to the call for evidence suggested that this practice might be more widespread. Several Gypsies and Irish Travellers told us that some bailiffs' companies had a track record of violent evictions, and were widely feared; these companies were unlikely to ask for, or be given, information about health or educational concerns. The case study authorities that used these

companies had not considered the duty to promote race equality and good race relations when recruiting them, or referred to the CRE's guidance on procurement (CRE, 2003). Nor had they considered whether the company had experience of engaging effectively with people living on unauthorised encampments.

Some local residents, as well as some local authority officers and councillors, saw the process of assessing need as a barrier to enforcement action, and not as a way of safeguarding human rights. This attitude was reflected in interviews given by councillors to the local press.

We are keen to evict but ... it seems they always have the required pregnant woman. *Councillor*

d. How are anti-social behaviour and crime dealt with?

While some Gypsies and Irish Travellers who lived on unauthorised encampments might have behaved in anti-social or criminal ways, there was no official data in the form of police evidence, or any data from the case study authorities or call for evidence, to show that criminal or anti-social behaviour was more frequent than in other groups, although it might have been more visible.⁶⁹

The kind of anti-social behaviour you get on an unauthorised encampment ... it's just the same stuff you'd find on a housing estate. *Police officer*

Responses by the local authority and the police to reports of anti-social behaviour and crime on unauthorised encampments (as on all sites) had implications for both race equality and race relations in the area. Large sections of the public believed that unauthorised encampments were not effectively policed, and that Gypsies and Irish Travellers living on these encampments received different – and preferential – treatment when they committed offences. This perception resulted in fear and resentment towards all Gypsies and Irish Travellers. At the same time, members of these groups, particularly those living on unauthorised encampments, felt they received poor service from the police when they were the victims of crime, and untargeted policing when the perpetrators were from their communities.

Many police and local authority officers said they felt caught between the competing – and what they felt to be irreconcilable – concerns of the various groups, and some emphasised the difficulties they faced in drawing up policing strategies, particularly for developing 'citizen focus' (see *appendix 8*) among the occupants of unauthorised encampments.

We're between the devil and the deep blue sea, we're supposed to be citizen focused, reflecting the view of the community. If we really reflected the views of the community we would be to the right of Genghis Khan ... the community are not with us. *Police officer*

Most citizens feel that Gypsies and Travellers herald a crime wave. If you solely had a citizen focus, you would get rid of Gypsies and Travellers as soon as possible and doubtless be praised for this. But that would not be focusing on Gypsies and Travellers as citizens. What happens if you get the community saying, 'I don't want black people here because they're all street robbers'? Are you going to round them all up? We should be the arbiters of what is reasonable, not just respond to vocal citizenry. *Police officer*

The management of anti-social behaviour and crime on unauthorised encampments raised similar issues to those on authorised public sites (see section 4.2.4.c). However, because unauthorised encampments were themselves viewed as inherently anti-social and criminal by some members of the public, and by some local and parish and community councillors, many people wrongly assumed that everyone living on encampments was involved in some kind of anti-social or criminal behaviour.

If I had unfettered use of police resources, I would turn up and stop-check all Gypsies and Irish Travellers. They would never give their real names so you could arrest them. Nearly all of them are untaxed or uninsured, and they are fairly heavy drinkers. They run businesses without authorisation. Local people would support that approach, however many resources were used. *Parish councillor*

Police officers said that hostile public and political attitudes made it more difficult for them to take a proportionate and focused approach to crime on unauthorised encampments. As well as the general obstacles to policing public sites (see chapter 4), police officers mentioned the particular obstacles to policing unauthorised encampments. Specialist officers said that the general lack of trust and confidence in the police felt by Gypsies and Irish Travellers was especially intense on unauthorised encampments, which are temporary, and where contact was often mainly adversarial. As a result it was even more difficult to build trust and confidence and encourage people living on encampments to report anti-social behaviour and crime directed against them or others, either by people from the wider community or other residents of unauthorised encampments.

The case studies and the call for evidence produced some examples of good practice from police forces. The good practice we identified in police forces shared an underlying recognition that Gypsies and Irish Travellers

living on unauthorised encampments were members, albeit often temporarily, of the local community, and were therefore entitled to the same quality of services. For example, one police force responding to the call for evidence had provided cultural awareness training for police officers with special emphasis on Gypsies and Irish Travellers, and on the practical aspects of managing unauthorised encampments. Both police officers and Gypsies and Irish Travellers emphasised how important such training is in building confidence among police officers to engage with Gypsies and Irish Travellers, in turn encouraging Gypsies and Irish Travellers to report crimes, and building wider public confidence that crime on unauthorised encampments will be tackled.

[Gypsies and Irish Travellers on unauthorised encampments] are very much treated as residents of the community. The police have gone away from traditional methods [such as] tasking sheets [which state] drive through at 3 am and take down the numbers ... We are increasingly receiving calls for police assistance from those living on unauthorised encampments. These are treated as normal incidents. *Police officer*

Other police forces stressed the importance of appointing police officers with a specific 'Gypsy and Traveller portfolio', whose principal role was to build enough trust and confidence among Gypsies and Irish Travellers to let them report crime, and give advice to their colleagues.

There's a real need for GTLOs with a community-based approach to build trust ... service in the past has been absolutely appalling. If we ever want to combat community crime [perpetrated by Gypsies and Irish Travellers] we have to have trust and confidence. Also there is unreported crime with Gypsies and Travellers as victims. But if the police are not aware of crime they cannot investigate it. *Police officer*

However, we also found that some police officers' behaviour was likely to undermine Gypsies' and Irish Travellers' confidence in policing, for example driving through encampments with sirens blaring and lights flashing during the night; 'escorting' unauthorised encampments out of the area, using disproportionately large numbers of officers; and, as noted earlier, repeatedly visiting encampments to make checks without any evidence of anti-social or criminal activity. Importantly, however, we did find police officers who were prepared to recognise that some of their practices were potentially discriminatory or damaging to Gypsies' and Irish Travellers' interests, and to acknowledge the need for change. In a number of instances, officers said that police forces had abandoned previous practices, recognised problems and were in the process of improving policy and procedures.

We would tail end Charlie the convoy [unauthorised encampment] ... out of our district. There was a feeling of 'good riddance, now you're not our problem' ... I suppose it was persecution. *Police officer*

This force is institutionally racist towards Gypsies and Travellers; deep-rooted thoughts make us do certain things ... Officers deal with the worst section of Travellers; this colours their perception [as a result of] years of mistrust and uncertainty; there are significant expectations of certain Traveller groups. If there was community policing, they would come across the other side of the community. There is a big barrier of trust and confidence to climb over. *Police officer*

Local beat officers focus on community relations. [They] work and live in the community 365 days per year ... so the officer naturally wants to try to please the resident community. *Police officer*

A number of police forces felt that progress in this area was hampered by the fact that Gypsies and Irish Travellers were not included in the '16+1' ethnic monitoring categories, and that they did not have reliable information to use as a basis for targeted action.

We have started to think carefully about improving good race relations. But there's no way of knowing with the 16 + 1 police defined codes of any difference in impact towards Gypsies and Travellers. Ethnic monitoring has to cut across everything. *Police officer*

They [Gypsies and Irish Travellers] are generally not included when we think of BME [sic] ... movement is not possible unless we measure and have a mechanism for that. We struggle like mad to get the officers to use the existing codes ... but it's important that the force shows its intention by having a code for Gypsies and Travellers. *Police officer*

The call for evidence and visits to police forces in the case study areas produced evidence that some forces were making efforts to encourage trust and confidence among ethnic minorities. In one force a work placement for someone from a Chinese community organisation taught officers about what Chinese people thought of them, and about some of the reasons for not reporting hate crime. This information was used to improve and develop practice across the force. However, there was less evidence that lessons learned from working with other ethnic minorities were being used in the service of Gypsies and Irish Travellers. The obstacles to building relationships with these groups were sometimes seen as insurmountable and tackled in very different ways to other ethnic groups. Some interviewees thought this was because many officers did not recognise Gypsies and Irish Travellers as ethnic groups, and this was due largely to their absence in the ethnic monitoring categories.

In [an area with a high African Caribbean and Somali population], we work to proactively dispel community tension. In the past a stop and search would be carried out on a vehicle and immediately you would be surrounded by an angry crowd of people who would be shouting ... that

doesn't happen now ... we make contact with key leaders and prioritise communication with the local population. We go knocking on doors telling them what's happening, handing out leaflets, we communicate about how we're working and explain that our response is always proportionate to the situation ... it really helps to break down community tension. *Police officer*

Talking to people on unauthorised encampments can be intimidating. It isn't unusual for an officer to be surrounded by a crowd of people, shouting. In ___ [name of area] officers did not get a nice reception [from those living on an unauthorised encampment], so we showed we won't tolerate it ... [we began] going in mob-handed to minimise threat to staff, and to show the Travellers they would not always only have to deal with two young officers. *Police officer*

e. How do local authorities communicate with the public about unauthorised encampments?

Some local authorities made an effort to keep the public informed about unauthorised encampments. Their approach was to be objective and to respond promptly, so that people's fears were not exacerbated, and they were able to understand the true facts and not let themselves be affected by prejudice.

One authority had identified tensions over unauthorised encampments as an important local issue. It arranged for training on race relations legislation and cultural awareness for staff who took calls from the public on this subject, made sure they had accurate information about the law and the authority's policy on managing unauthorised encampments when responding to enquiries or complaints, and saw that they were able to recognise racist language and challenge it, when called for, or refer it for more formal action. As a result, six racist incidents, involving telephone callers repeatedly using abusive language when referring to Gypsies and Irish Travellers, had been referred to the equality unit.

Another authority had made public statements to the press, pointing out that unauthorised encampments were a reflection of unmet need for sites, and not an expression of anti-social behaviour.

However, we also found, both through the call for evidence and in the case study local authorities, examples of communication that would have done nothing to promote better understanding of the issues or good community relations. In seven of the case study authorities, a single specialist officer or team took all calls from the public about unauthorised encampments, while in the other two, general switchboard officers were responsible for dealing with these calls. Although some officers said they had the information they needed to inform or correct their callers, they had not been specifically trained to handle such calls, and several did not know what to do when callers made unsubstantiated

or racist comments about Gypsies and Irish Travellers. In one authority an officer admitted that he agreed with these opinions.

People see people do things on sites that they wouldn't be able to get away with; fly-tipping for example. They say to me, 'If I did this, you would be down on me like a ton of bricks.' I say to them, 'You're right. I know who you are and where you live. I'm afraid you're quite correct. We don't have their details and anyway if we did they are Travellers so we probably won't be able to enforce.' When they say, 'They don't contribute ... again I say, 'You're quite correct.' *Local authority officer responsible for unauthorised encampments*

In some cases, the stereotyped views expressed by members of the public about Gypsies and, particularly, Irish Travellers on unauthorised encampments were reflected in comments that councillors and parish and community councillors made to the press, or in interviews. In the course of our research we came across numerous newspaper articles quoting comments or statements by councillors about unauthorised encampments. In many instances, their content, tone and language could hardly be considered constructive in promoting good race relations, and probably fuelled the general hostility towards Gypsies and Irish Travellers.

They [Irish Travellers] need to at least make an effort to abide by the same standards of behaviour. We're not here to be taken for a ride, it's all take, take, take, no give. *Councillor*

If we ask them [Gypsies and Irish Travellers], they want their cake and eat it, to have a site and all facilities, not pay tax and then drift off. Same in school, they disrupt standards and then they drift off. *Councillor*

The council is not about to become an Irish Traveller-friendly zone when we're facing the behaviour that we do. We will discriminate in terms of behaviour ... the silent majority sit here and get kicked in the teeth. It's blatantly discriminatory. *Councillor*

They [Gypsies and Irish Travellers] are a plague on our city. It's frustrating we have limited powers to move them on. *Councillor quoted in the press*

While interviewees in the majority of case study authorities said how important local leadership was to good management of unauthorised encampments, we were given examples in all the case study areas of councillors whose words or actions had contributed to tensions in the local community over unauthorised encampments.

[A councillor] turned up in the back of a police car at an unauthorised encampment and really stirred things up, she had no business there. She made things so much worse. *Councillor*

f. What are the barriers to promoting good race relations over unauthorised encampments?

As we have seen, unauthorised encampments were seen everywhere as a powerful cause of community tension. Local authority and police officers in all the case study areas reported complaints from the public about encampments, many of these calling to object simply to the existence of encampments and the presence of Gypsies and Irish Travellers in the area rather than because they had a specific problem.

If there is an unauthorised encampment near a residential area it will really kick off. They [the public] use them as a valve to come out with all manner of rubbish. I'd rate that as our number one community cohesion issue. *Councillor*

The chair of the residents' association asked why I was allowing 'this filth' [Irish Travellers] to remain in the community. *Police officer*

Only a minority of local authorities, and none of the case study authorities, had taken steps to promote good race relations in the context of unauthorised encampments. There appeared to be five main reasons for this.



First, we found some confusion about what constituted evidence of racial tension, as unauthorised encampments frequently fell outside local authority definitions. In many authorities with small ethnic minority populations, officers and councillors thought 'race relations issues' only included major public disturbances, and not less overt disquiet on a smaller scale. Reflecting this, some in the case study authorities said there were no real racial tensions in their area, yet gave us examples of hostile public reactions to unauthorised encampments, and tensions between different groups as a result.

[The council] doesn't have a lot of race issues ... people keep expecting us to set up this and that on race relations but it isn't necessary ... ___ [name of councillor] made a huge profile [out of one unauthorised encampment], he almost had a lynch mob. *Extracts from interviews with councillors*

Second, many local authorities failed to see the link between unauthorised encampments and race relations, because they attributed the strength of feeling caused by unauthorised encampments to the unlawful behaviour of those who had set up the encampments rather than to a shortage of suitable accommodation for these groups. As a result, resources were directed towards enforcement rather than steps to provide sites and promote good race relations.

Third, we found evidence that, even when authorities saw a connection between unauthorised encampments and race relations, they did not know what to do to promote good race relations in this context. Some thought it involved being positive about unauthorised encampments and ignoring their problematic side. Others held one-off events to celebrate Gypsy culture, without giving much attention to the real problems people had with unauthorised encampments, such as rubbish collection, and how these damaged race relations. The failure to understand what the duty to promote race equality and good race relations required in this context was exacerbated by the general lack of training on this part of the duty.

Fourth, we found a widespread belief that negative local and national media coverage of unauthorised encampments as an issue, and of Gypsies and Irish Travellers (in particular), rendered any local action useless. Most of the stories were filled with words such as 'invasion', 'war', 'battle' and 'scourge'. Officials and councillors in all the case study authorities said this was the most important source of fear and public prejudice. The tendency in most parts of the media was to concentrate on the 'bad news' about unauthorised encampments, and not to say anything about encampments that were no problem to anyone.

For example, one local authority officer told us that, although most departures from unauthorised encampments were negotiated, and Gypsies and Irish Travellers usually left the land the way they found it,

the public only heard from the local media about those larger sites where there had been costly clear-up operations. In two cases, where Gypsies and Irish Travellers had been unable to move all their vehicles at the same time, those that had not been immediately towed away had been set alight by local residents, adding to the clean up costs. These incidents of arson had not been reported, although photographs of the burnt-out caravans featured in the press stories as illustrations of the rubbish left behind.

The local press have a very important impact on promoting race relations. The penetration of the press in small towns is extensive and they are a major source of local information. *Councillor*

Fifth, the very nature of unauthorised encampments created particular difficulties for local authorities. Even when they acknowledged that fear and lack of understanding fuelled hostility in the local community, the temporary nature of most unauthorised encampments made it difficult to encourage positive relations between their occupants and local residents. The rubbish and waste on some encampments did not make it easier for the authorities to present a balanced view of people who lived there.

There's a difficulty in promotional work [relating to Gypsies and Irish Travellers] particularly around unauthorised encampments. They are a dilemma for councillors and a dilemma for us in the press team ... the Traveller cause would be helped if they would leave the site tidy. If the Gypsy and Traveller organisations could sell that approach [to Gypsies and Irish Travellers], we could change public opinion.

Head of communications

Respondents in most of the case study authorities spoke of the importance of 'myth-busting', to dispel widely held fears and stereotyped views of Gypsies and Irish Travellers. They also thought that more positive contact between local communities and Gypsies and Irish Travellers living on public sites would help shift attitudes towards these groups more generally, and added that it also helped when Gypsies and Irish Travellers disassociated themselves from those who were causing problems on the encampment. However, Gypsies and Irish Travellers felt that individual efforts would inevitably be overshadowed by the weight of public hostility; nor was it helpful that the poor services that some local authorities and police forces were providing, were seen as signs of an underlying adversarial, if not hostile, approach, and made them unwilling to speak out publicly on these issues.

It was widely recognised that the causes of unauthorised encampments – most notably the shortage of pitches on suitable transit and permanent sites – would ultimately have to be dealt with if good relations between Gypsies and Irish Travellers and the wider population were to be achieved.

6.3 Summary and conclusions

Unauthorised encampments, experienced in nine out of ten local authorities, were the most widespread and frequent cause of community tension over Gypsies and Irish Travellers. Most of the complaints behind the tension concerned the nature and location of the encampment, and the waste and rubbish associated with it. This was in part a result of how local authorities managed encampments: strict land protection policies that were not tied to efforts to provide sites forced encampments to move to more visible, unsuitable locations, while the lack of basic facilities made it difficult to keep the encampment clean. Inevitable public pressure on councillors led to an emphasis on enforcement rather than on providing services for encampments, and in turn increased the risk of damage to the environment and therefore to community tensions. However, the vast majority of authorities had not drawn the connection between their practical approach to managing encampments and race relations. Nor had they considered, as advised by government, how their communication style and methods on the subject of unauthorised encampments could affect public attitudes and consequently race relations. This included various aspects of communication, such as producing factual information for the public on the law, the authority's policy and timeframes for action, how calls from the public were handled, press statements from councillors and the message conveyed by high-profile, adversarial evictions.

Our findings showed that the approach taken by local authorities affected not only race relations but also services for Gypsies and Irish Travellers. While a balanced approach to toleration allowed occupants to make use of basic services in the short term, forcible eviction without the necessary welfare needs assessment could have long-term implications for the occupants' health and education. The lack of basic facilities on many encampments also carried risks for their health in the longer term.

The approach taken by some police forces also had consequences for Gypsies and Irish Travellers and the wider community. Our findings showed that the approach sometimes went against formal policy and undermined the confidence that the occupants of unauthorised encampments could place in them. This made it more difficult for the police to tackle crime and anti-social behaviour in a focused way and led to public perceptions of lawlessness, based on lack of action by the police, and greater community tension.

Local authorities and police forces did not recognise the effects that their approach to unauthorised encampments could have on race equality and race relations, because most had not made arrangements to consult on, assess and monitor the likely effects of their policies, as required by the duty to promote race equality and good race relations, and to shape policy so that it served to eliminate unlawful discrimination, and promote equal opportunities and good race relations. The lack of coordination between many local authorities and police forces, and within individual

organisations, militated against the consistent implementation of policy and the identification of problems that needed to be tackled. While these approaches might have led to short-term advantages for some occupants of sites, they were overshadowed by the waste of resources, as different officers worked to different agendas.

6.4 Recommendations

We recommend the following as specific measures for the organisations listed below. A list of all recommendations in the report can be found at appendix 1.

Local authorities and police forces should:

- Review and monitor their policies for dealing with unauthorised encampments, to make sure they promote access to services for occupants, and good race relations between them and other groups; in doing this authorities should focus in particular on providing basic facilities, assessing welfare needs and communicating effectively with the public.⁷⁰
- Review the way policy is put into practice, to make sure organisations and individuals take a consistent approach, resources are used effectively and strategically, all procedures are formalised and training needs are identified.
- Make sure the duty to promote race equality and good race relations is built into any contracts for managing, or evicting from, unauthorised encampments; and that contractors are given clear guidance on how this might affect their policy and practice, and monitored on their compliance with the guidance.

Police forces should:

- Review their formal and informal procedures for policing unauthorised encampments, to identify and eliminate potentially discriminatory practices and ensure that the procedures promote race equality and good race relations.⁷¹ (*See also the recommendations in chapter 4.*)

The Association of Chief Police Officers should:

- Identify and publicise good practice in dealing with crimes against Gypsies and Irish Travellers, and crime and anti-social behaviour on all sites, and in managing unauthorised encampments in a way that promotes race equality and good race relations, drawing on any good practice developed with other ethnic minority groups.

Chapter 7

Housing and homelessness

7.1 Introduction

This chapter examines how local authorities provide housing services, including services for the homeless, to Gypsies and Irish Travellers. It asks the following questions.

- Do local authorities' housing strategies and services identify and meet Gypsies' and Irish Travellers' needs in conventional housing?
- Do their housing strategies and operations deal with anti-social behaviour and racial harassment in a way that eliminates unlawful racial discrimination and promotes equality of opportunity and good race relations?
- Do their strategies for homelessness meet Gypsies' and Irish Travellers' needs, and are they monitored, assessed and consulted on, in line with the duty to promote race equality and good race relations?
- Do their services for the homeless take account of Gypsies' and Irish Travellers' 'cultural aversion' (*see appendix 8*) to conventional housing in meeting their needs?

7.1.1 Framework for social housing

As noted in chapter 4, the government is committed to giving everyone the opportunity of living in a decent home. Accordingly, it has undertaken to bring all social housing up to a decent standard⁷² by 2010, and to increase the proportion of vulnerable people living in decent homes in the private sector.⁷³

To measure progress towards this national target, local authorities have to collect information on housing standards. They also have to collect data for assessment against a number of 'best value' performance indicators on housing and homelessness. Housing associations' performance is regulated through service standards set by the Housing Corporation in

England, and by the National Assembly in Wales. Although both local authorities and housing associations have to provide the information disaggregated by ethnic group in housing and homelessness returns, neither is required to use separate categories for Gypsies and Irish Travellers.

Local authorities have a legal duty to develop a housing strategy, containing a detailed analysis of all needs for accommodation in their area, and a plan to meet those needs. Many Gypsies and Irish Travellers live on Gypsy sites, but the majority are believed to live in conventional 'bricks and mortar' housing (Ivatts, 2005). Some resort to conventional housing because of a shortage of sites. Most choose to do so, for a variety of reasons (Power, 2004), including ease of access to services, and having a permanent base from which to travel. The Housing Act 2004 explicitly says that the housing strategy should include 'Gypsies and Travellers'. The housing strategy should be coordinated with other strategies, such as the community strategy, and with other relevant service areas. As many Gypsies and Irish Travellers live on sites, or move between sites and conventional housing, it is important that authorities bring together all the work they do in providing and managing all types of accommodation within their housing strategy, including not only authorised Gypsy sites but also unauthorised encampments. Only this kind of holistic approach, based on the broader goal of creating integrated communities, will allow them to see how decisions in one area can affect the need for services in another, and target resources accordingly.

Local authorities also need to deal with racial harassment and anti-social behaviour, to ensure good housing services for all. The duty to eliminate unlawful racial discrimination, under the duty to promote race equality and good race relations, also covers racial harassment (*see appendix 8*). Local authorities should take a strategic approach to dealing with anti-social behaviour and racial harassment in social housing that covers both victims and perpetrators, regardless of their racial group. Failure to do this runs the risk of deepening divisions within communities and leaving victims feeling isolated. Local authorities are required to draw up anti-social behaviour strategies, describing both how they will tackle incidents and what they will do to prevent them.

7.1.2 Homelessness

The Housing Act 1996 gives local housing authorities several duties: to make sure suitable accommodation is available for homeless people;⁷⁴ to find accommodation for anyone they are satisfied is homeless, provided they meet certain criteria; and to give people who are homeless the chance to find their own accommodation.⁷⁵ A person is homeless if his or her dwelling is a movable structure, but there is nowhere they can lawfully place it – a definition that is particularly relevant to Gypsies and Irish Travellers.⁷⁶ However, not everyone who claims to be homeless will

have a legal claim on the authority, and local authorities will investigate personal circumstances to see if the applicant meets the criteria. This involves determining whether applicants:

- are homeless, and eligible for assistance;
- are in priority need (*see below*);
- are intentionally homeless; and
- have a local connection to the area where the homelessness application is made.

If local authorities can show that an applicant is intentionally homeless, they will have no legal obligation to provide housing. People are intentionally homeless if they deliberately did or did not do something that resulted in their losing accommodation. For example, they:

- deliberately made themselves homeless by leaving accommodation where they knew they could reasonably have stayed, or
- deliberately created problems, such as causing a serious nuisance or withholding rent or mortgage payments.

In deciding whether a homeless applicant has a local connection in the area, the local authority has to look at how long the person (or anyone in his or her household) has lived in the area, whether they have family connections, work in the area or have a connection for another reason. If no connection can be proved, an authority can send the applicant to another area, provided that he or she has a connection with that area.

Once they have a list of the people to whom they have a legal responsibility, local authorities must first help those in priority need. The criteria for eligibility for this category are set out in regulations and include: families with children, and people who are vulnerable, due to, for example, domestic violence, racial harassment, mental illness, old age or having been in the armed forces, local authority care or prison (ODPM and Department of Health, 2002).

The Homelessness Act 2002 gives local authorities a duty to carry out a homelessness review, and to develop and publish a homelessness strategy based on the results of that review.⁷⁷ The review must determine the levels, and likely future levels, of homelessness in the authority's area; its purposes are to prevent homelessness, and to provide accommodation and support for those who are or may become homeless in the area.⁷⁸ The range of factors that a local authority will need to consider in determining future likely levels of homelessness includes the numbers of Gypsies and Irish Travellers passing through its area.⁷⁹

Case law has established that some Gypsies and Irish Travellers have a psychological aversion (in the words of the court, a ‘cultural aversion’ – see appendix 8) to conventional housing, irrespective of whether or not they have temporarily lived in a house. This may mean that they are unable to live in conventional housing or that, unless they are given specific support, particularly in the early stages, they may be unable to keep up a tenancy (Department of the Environment, 1986, 1987). If Gypsies and Irish Travellers claiming to be homeless are found to have a ‘cultural aversion’ to housing, local authorities must show that they have tried to ‘facilitate the Gypsy way of life’, for example, by trying to find land for a Gypsy site. If they need particular support, this must be considered, and met, wherever possible. Like other racial groups, Gypsies and Irish Travellers may also have cultural reasons for preferring a certain type of housing. For example, Gypsy and Irish Traveller families, like several other ethnic minority groups, tend to be significantly larger than the national average (Van Cleemput et al, 2004).

The ODPM recently published research into the causes of homelessness among ethnic minority households. While the focus was on homelessness and not on housing services more broadly, the results of the research have important implications for all aspects of the service. The study focused on Irish people, but, as shown below, several important questions emerged in respect of Irish Travellers.

- Of all the groups featured in the study, only the Irish complained that they had been discriminated against directly when looking for accommodation as homeless people, including discriminatory treatment by front line homelessness staff. Voluntary organisations said that Irish Travellers experienced extremely high levels of discrimination.
- Irish people need particular support, tend to avoid the statutory sector and rely more on voluntary organisations for support. Repeated homelessness is particularly prevalent among the Irish, suggesting that they need more support to keep up their tenancies.
- The main causes of homelessness among the Irish are domestic violence and financial difficulties, leading to non-payment of rent, both particularly acute among Irish Travellers, according to voluntary organisations. Irish people say they have had bad experiences in the statutory sector, including inaccurate or poor advice, and staff who do not understand their needs.

7.2 The findings

7.2.1 Housing services for Gypsies and Irish Travellers

a. Are Gypsies' and Irish Travellers' needs for accommodation mainstreamed?

The evidence from our research made clear that there were links between Gypsies' and Irish Travellers' need for sites, the provision of sites, levels of homelessness and the provision of housing services for Gypsies and Irish Travellers who were unable to find suitable sites. We also found that decisions to create or close sites (*see chapter 4*), and decisions to evict from unauthorised encampments and developments (*see chapters 5 and 6*), directly affected levels of homelessness and demand for conventional social housing.

Some local authorities had explored the relationships between these service areas in order to improve services for Gypsies and Irish Travellers. One local authority had established that many Gypsies and Irish Travellers in its area were living in conventional housing because of shortages of sites, but found it hard to adapt, feeling claustrophobic and isolated from their extended family, and finding it difficult to deal with new practicalities such as quarterly bills, with the result that they were unable to keep up their tenancies. The authority had identified the need for more pitches on residential sites, provided support for Gypsies and Irish Travellers newly housed in emergency accommodation, and commissioned further research on other possibly hidden needs. A local authority officer emphasised that this approach offered a 'best value' solution.

Many Gypsy families who try to adapt to housing accommodation are not able to sustain a tenancy for any significant length of time. After a few months or even weeks they are back on the roadside until another crisis may force them back to homelessness. This is often a costly cycle both in terms of costs for the local authority and also costly in monetary terms and emotionally for the family. *Extract from a homelessness strategy*

Some local authorities had recognised the connections between eviction from unauthorised encampments, homelessness and the need for sites. In one case the authority was aware that an eviction from a local unauthorised development was imminent and that there was no accommodation suitable for the residents of the site who would be made homeless. It therefore secured suitable alternative accommodation before the eviction was carried out. Other authorities emphasised the connection between these related policy areas in press releases, in an attempt to increase public understanding of the circumstances of Gypsies' and Irish Travellers' need for accommodation and, so, to promote better relations between them and others in the community.

However, even in these isolated examples, there was no evidence that local authorities were taking a long-term, strategic approach. And even in the short term, some authorities had taken decisions that had had a direct effect on housing and homelessness in their area, or in another area, without considering the consequences. For example, one local authority had closed a public site without looking at the immediate or longer-term homelessness this would lead to among Gypsies and Irish Travellers in the area. The former residents of the site moved to another part of the country, where the local authority was questioning their local connection (vital for a homelessness application to succeed).

b. Are there barriers to mainstreaming housing and homelessness services for Gypsies and Irish Travellers?

Three major obstacles, considered earlier in this report, appeared to have constrained the 'mainstreaming' of housing and homelessness services for Gypsies and Irish Travellers among the local authorities in our survey. We consider these at the outset, since they throw light on our findings.

The first obstacle was the lack of ethnic monitoring data on Gypsies' and Irish Travellers' needs. The problems associated with this, which have been pointed out throughout this report and examined in some detail in chapter 3, were particularly acute in the case of Gypsies and Irish Travellers who lived in conventional social housing. We found that in many cases local authorities entirely overlooked the fact that these groups might be living in conventional housing, because living in caravans was seen as their defining characteristic. It did not help that many from these groups were reluctant to identify themselves as Gypsies or Irish Travellers, for fear of the consequences (*see section 3.2.5.c*). As a result, specialist officers and support groups said that Gypsies' and Irish Travellers' needs remained unknown and unmet by those providing homelessness and housing services. This contrasted sharply with the attention given to Gypsy sites, which were more 'visible'.

The second obstacle was the culture of oversight and ignorance that made it so difficult to provide much-needed services for Gypsies and Irish Travellers, especially in the areas of housing and homelessness. Officers who understood these groups, such as Gypsy and Traveller Liaison Officers (GTLOs) and Traveller Education Services (TES) officers, were primarily responsible for working with those living on sites and unauthorised encampments. Any other work was discretionary and meant huge variations in how much was done for Gypsies and Irish Travellers in need of housing or homelessness services. This situation was compounded by the failure to make responsibility for Gypsies and Irish Travellers part of the mainstream work of service departments. Some housing and homelessness officers did not think they were responsible for these groups, a perception that was exacerbated by the fact that they saw them only in the context of Gypsy sites and not as ethnic groups.

The third obstacle was local authority officers' lack of understanding of the cultures and traditions of Gypsies and Irish Travellers. Though some housing and homelessness officers knew a great deal about other ethnic groups, and how to relate to them, this was rarely the case with Gypsies and Irish Travellers. They had received little job-specific training on the duty to promote race equality and good race relations or on Gypsies' and Irish Travellers' cultural background (*see chapter 3*), and did not feel confident of their ability to provide services directly to these groups.

c. Are Gypsies and Irish Travellers included in local authorities' housing strategies?

The evidence from the case study authorities showed that Gypsies and Irish Travellers were generally not included in local authority housing strategies. In only one local authority were Gypsies and Irish Travellers mentioned, in the section of the strategy on ethnic minority housing needs. Although housing strategies do not usually consider the needs of each racial group separately, they do record particular needs where these exist, usually on the basis of monitoring data. We could not find a single local authority, in any part of the research, that collected ethnic data on Gypsies and Irish Travellers living in conventional housing. Furthermore, when research was conducted into any special needs people from ethnic minorities might have, Gypsies and Irish Travellers were usually not included, and there was little work specifically on these groups.

We have no Gypsy and Traveller applicants on the waiting list at the moment ... I know because I can do a search by address and [the local Gypsy site] doesn't come up. *Housing officer*

When Gypsies and Irish Travellers were mentioned in housing strategies, we found that it was usually in a separate section on Gypsy sites, not in the general context of accommodation. This was true of the strategies of most of the case study authorities' strategies, and those of other authorities that sent in their strategies with their survey questionnaires. This was decisive confirmation of the perception among many local authority officers that the defining characteristics of Gypsies and Irish Travellers were that they lived in caravans, and that they did not use mainstream accommodation.

Few housing officers were aware that Gypsies and Irish Travellers living in council housing had any problems, although these were mentioned frequently in the case study authorities and through the call for evidence by support groups, GTLOs and other specialist officers, even though they were not specifically employed to work with Gypsies and Irish Travellers in conventional housing. For example, they spoke about the problems faced by Gypsies and Irish Travellers who wanted to travel during the summer months, and the difficulties they had keeping up their tenancies, which can result in homelessness.

d. Do local authorities make sure Gypsies and Irish Travellers know about their housing services, and how to use them?

We found some examples of imaginative techniques being used by local authorities to overcome the barriers they faced in informing Gypsies and Irish Travellers about their housing services. For example, one case study authority used text messaging to inform people about the housing and homelessness service. People – and especially those who were on the move a great deal – could be contacted instantly, while the simplicity of the messages went some way towards solving the problems of low literacy rates among Gypsies and Irish Travellers (*see section 3.2.7*). Another local authority had created a pictorial version of its tenancy agreements, so that Gypsies and Irish Travellers who had literacy difficulties could understand the terms of these agreements before signing them. Some authorities were exploring the possibility of producing audio versions of these documents.

One authority had provided detailed training, delivered by the GTLO and an Irish Traveller, to staff in the housing department, to help them understand Gypsies' and Irish Travellers' cultural traditions as a basis for developing and providing the services they needed. The training covered general cultural background, questions specific to those living on council sites and in conventional social housing, and what Gypsies and Irish Travellers needed by way of education and social care. The discussions were informed by detailed statistics on health, social care and education. Housing officers welcomed the training.

However, most of the evidence from all three parts of the research suggested that, in general, housing departments did not take steps to make their services readily accessible to Gypsies and Irish Travellers. Qualitative responses to the survey indicated that many local authorities were unaware that Gypsies and Irish Travellers might have housing needs beyond a demand for sites, which authorities believed they could not meet. When we explored this point in more detail in the case study authorities and through the call for evidence, we found that, even though they knew they were unable to offer suitable accommodation on sites, many authorities made no further effort to make their other services available. Several housing officers thought that Gypsies and Irish Travellers rarely used housing services, and that this was due to 'cultural differences' and their reluctance to look for help from the statutory sector. Few asked why this might be, and whether they could do anything to make access to their services less daunting. We found little evidence that authorities tried to help Gypsies and Irish Travellers to understand how housing applications were processed.

Gypsies and Travellers are not a huge issue; they don't really come to us.
I think they usually rely on their family network. *Housing officer*

Our findings corroborated the conclusions of wider research (Power, 2004) in suggesting that Gypsies and Irish Travellers who lived in conventional housing did so for many different reasons. Evidence from the case study authorities and the call for evidence suggested that, in the absence of suitable public and private sites, Gypsies and Irish Travellers had no choice but to turn to conventional social housing, so that they could use health services, educate their children or escape from domestic violence. Specialist officers responding to the call for evidence suggested that some Gypsies and Irish Travellers took tenancies in order to safeguard other services and facilities, including benefits and services such as vehicle insurance.

Some interviewees spoke of a growing trend among Gypsies and Irish Travellers to move into conventional housing, and one officer called it the 'demise of nomadism'. However, others questioned the extent to which their decision to look for conventional social housing represented a 'choice'. Specialist officers pointed out that the real problem was the lack of choice as a result of insufficient sites, while service providers might also be inadvertently placing pressure on Gypsies and Irish Travellers to take up conventional housing, possibly because they wanted to make their own jobs easier, rather than adapt services to meet the needs of these groups.

There is a subtle encouragement for people to go into housing. The pressure comes from a lack of understanding on the part of professionals, especially where they fail to realise the cultural significance of living in a trailer. I have a service user who has gone into dialysis. I recall thinking 'It would be so much easier if he moved into a house.' But I asked myself who it would be 'easier' for, and came to the conclusion that it would be easier for me to deliver a service, easier for the occupational therapist to do a needs assessment for modification on a house rather than a trailer. We all have to be careful. *Health worker*

Some Gypsies and Irish Travellers who responded to the call for evidence said they received inadequate housing services, and were treated less favourably than people from other groups.

They only put us on the worst estates, full of drugs and violence. If people discover you're a Gypsy there's always trouble ... They split families up, we are used to living in a family, but when housing comes up we are separated. *Gypsy*

In one case study local authority, monitoring revealed that Irish users of services were disproportionately less satisfied with the housing service than other groups. While there were no specific data for Irish Travellers, it was possible that, in the absence of a specific category (see chapter 3), many Irish Travellers might have been classifying themselves as Irish. This point was raised several times through the call for evidence.

Local authorities appeared to hold widely differing views about what constituted 'culturally appropriate' services for Gypsies and Irish Travellers in conventional housing. What some saw as cultural requirements that had to be met others saw as cultural preferences, which were common to many groups, and could not realistically be met. Most local authorities responding to all parts of the research accepted that Gypsies and Irish Travellers needed Gypsy sites, but having concluded that they could not provide these, they did nothing more to adapt the services they did have to accommodate their needs.

There were a range of factors that many respondents said were important to consider when allocating housing for Gypsies and Irish Travellers, sometimes for cultural reasons, but often also to promote good relations between them and other groups. For example, as many respondents, including Gypsies, Irish Travellers and specialist officers, pointed out, these groups needed large properties to accommodate extended families; properties on the ground floor, to ease the move from a caravan for those unused to stairs; properties at the ends of rows, both to avoid complaints from neighbours about noise (because of the size of their family) and to avoid feeling unduly confined (after living on a site); adequate parking space outside for trailers and visitors with large vehicles, again to avoid complaints from neighbours; and gardens, to ease the move from a Gypsy site, and to have somewhere for children to play.

The children are noisy and we know that if we are sandwiched in between other houses there'll be problems. *Gypsy*

If we moved into a house we'd need to be on the end because of the parking and so we can have some breathing space. It's also for the noise; we want to avoid complaints. *Gypsy*

Some specialist officers said that, when these factors had not been taken into account, tensions had arisen or neighbours had made complaints about Gypsies and Irish Travellers. In their view, these were partly a result of authorities offering inappropriate housing. But housing officers from several case study local authorities said they were unlikely to be able to meet these needs, since the need for larger properties, for example, was not unique to Gypsies and Irish Travellers and was shared by others with larger families, including many from other ethnic minorities.

Furthermore, older people and those with mobility impairments might need accommodation without stairs for physical and health reasons. And all families, regardless of ethnic background, asked the authority for flats with gardens or space outdoors where children could play. Many authorities are short of these types of accommodation particularly, as well as all properties more generally. Nevertheless, some specialist officers repeated that, although some of the requirements were common to many groups, it was particularly important to offer Gypsies and Irish Travellers suitable accommodation and support if they were to sustain

tenancies, especially when families were moving into conventional housing from a caravan for the first time.

Because local authorities do not generally monitor their housing policy in the context of the duty to promote race equality and good race relations, they are unable to assess their overall rationale and approach to housing allocation and, whether or not they decide to change their approach, make sure it promotes race equality and good race relations. One case study area was planning to move towards a system of lettings based on choice (*see appendix 8*). Although it was felt that this would be positive for Gypsies and Irish Travellers, with the introduction of 'bids' for accommodation being placed through a telephone centre, and requiring no forms to be filled out, the authority did not plan to assess the potential effects of these changes, or to monitor their implementation. We found few examples of local authorities that had identified any particular requirements that Gypsies and Irish Travellers might have, and none that had monitored the effects of their current housing allocation policy on these groups.

e. Do local authorities provide tenancy support?

Our findings supported the conclusion reached by wider research that Gypsies and Irish Travellers living in conventional housing may be in particular need of tenancy support (ODPM, 2005e). Evidence from our research showed that tenancy failures among Gypsies and Irish Travellers were due to a wide range of factors, such as: being cut off from support networks on sites; not knowing how to cope with the practical side of running a house; and low literacy levels, resulting in failure to pay bills or fill out benefit forms, and leading to eventual eviction.

Some Traveller families can't cope with housing and the routines of housing, feeding the gas meter or dealing with a quarterly bill, putting bins out on a certain day. *Housing officer*

One local authority employed two members of staff to work specifically with Gypsies and Irish Travellers in conventional social housing, to prevent tenancy failure, and to improve relations between Gypsies and Irish Travellers and others. The team's responsibilities included:

- giving support and advice on practical matters, such as applying for licences, welfare benefits, arrears and budgeting, repairs and maintenance;
- helping with more complex problems, such as harassment (including racial harassment) by neighbours, isolation from friends and extended families, being unable to settle in conventional social housing, and anti-social behaviour; and

- helping with access to other services, such as education, training, employment and health services.

The team spent a large proportion of their time working to prevent evictions, which usually occurred when housing benefit claims lapsed and rent payments fell into arrears – often because of problems with literacy. The local authority recently decided to include Gypsies' and Irish Travellers' needs for support within the wider strategic framework for supporting people in housing, rather than dealing with these groups' need for support in isolation. To help do this, they commissioned research on Gypsies' and Irish Travellers' needs. The research found that, although 60 per cent of specialist officers' time was already spent working with Gypsies and Irish Travellers living in conventional social housing, more support was needed. The findings were built into the authority's 'supporting people' (*see appendix 8*) strategy and action plan, and the authority was planning to find money for two extra full-time support workers, to meet the needs it had identified.

Several authorities mentioned the shortage of suitable staff to provide tenancy support for Gypsies and Irish Travellers living in conventional housing. In one of the case study authorities, a tenancy support worker who worked with a wide range of vulnerable tenants did not have the time to cope with Gypsies' and Irish Travellers' needs for support.

We urgently need more resources to go into tenancy support for these groups. Housing officer

In several case study local authorities, support groups, GTLOs and specialist health and education workers were more aware of Gypsies' and Irish Travellers' need for tenancy support than officers in housing departments. Ironically, however, in most cases specialist officers had no formal responsibility for those living in conventional social housing and, therefore, even when they were aware of their need, they could only provide support informally.

f. How do local authorities deal with anti-social behaviour?

There is no ethnic data on anti-social behaviour and racial harassment carried out against, and perpetrated by, Gypsies and Irish Travellers. However, while the lack of data on housing needs leads to Gypsies' and Irish Travellers' needs being overlooked, anti-social behaviour is likely to be highly visible. Accordingly, while several housing officers were unaware of any particular need for services, they were quite aware of 'behaviour issues' involving these groups.

The evidence from the case study authorities and the call for evidence suggests that there were two principal causes of tension between Gypsy and Irish Traveller tenants and those from other groups in the context of conventional social housing. The first of these was associated with

vehicles. Since many Gypsy and Irish Traveller tenants were self-employed, they often owned several vehicles. The number of vehicles could increase dramatically when other members of the family visited, particularly at important family occasions, such as weddings and funerals. Local authorities found this difficult to manage and it could cause problems for housing managers. Lack of space for the number and type of vehicles used by Gypsies and Irish Travellers on social housing estates could lead to disputes among neighbours, including accusations of anti-social behaviour or racial harassment.

The second main cause of reported tension was children playing in the street. Although this was not peculiar to Gypsies and Irish Travellers, some housing officers felt that children from these groups might be allowed to play out for longer than others, and that their families were generally larger, increasing the likelihood of Gypsy and Irish Traveller children becoming the subject of complaints and accusations of anti-social behaviour.

The reason children play outside is that families are large and there is no room for them to play inside ... the anti-social behaviour officers just see the nuisance it causes and threaten them with eviction. *GTLO*

One of the case study authorities decided to distinguish between cultural differences that caused community or neighbourhood tensions and incidents of anti-social behaviour that had to be tackled. Specialist officers working closely with Gypsies and Irish Travellers in social housing liaised with the anti-social behaviour team to resolve disputes that were based on misunderstandings, and to make sure that, when a complaint was well founded, officers could take appropriate action. In other authority areas, however, there were suggestions that unfounded complaints by local residents against Gypsies and Irish Travellers had led to proceedings being commenced for neighbour nuisance. Such complaints can not only have an immediate result in terms of the threat of eviction, but also the long-term effect of rendering those evicted intentionally homeless and therefore not entitled to being re-housed.

g. How do local authorities deal with racial harassment?

The lack of ethnic monitoring of cases of anti-social behaviour and formal complaints of racial harassment in the case study authorities made it difficult to ascertain the scale or the nature of these problems, and to identify whether, and if so how frequently, neighbourhood and community disputes were motivated by racial prejudice, and might therefore constitute racial harassment.

Some housing associations reported evidence of racial harassment against Gypsies and Irish Travellers. One housing association officer told us they had received letters from prospective neighbours of Gypsy families, complaining, in racist terms, about the prospect of living near

Gypsies. The association decided to respond to these complaints with a letter to the effect that the comments might amount to racial harassment, and that if they continued, the sender might be served with a notice to quit the housing. The manager said that this approach had ‘nipped the problem in the bud’, and had made clear to those responsible that the association would not tolerate such behaviour.

Responses to the call for evidence from Gypsies and Irish Travellers, support groups and TES officers showed that there had been numerous incidents of racial harassment directed against Gypsies and Irish Travellers living in conventional housing, but that the majority went unreported. Some individuals said they did not report such incidents, because they did not feel confident that they would be dealt with effectively. Respondents spoke of the isolation felt by many Gypsies and Irish Travellers in conventional housing, and said that the negative effects of harassment were compounded by the absence of supportive extended family networks.

Discrimination is so widespread, it's almost expected. They [Gypsies and Irish Travellers] won't report it. It has to be really severe, like death threats, before they take that step. *Local Gypsy and Irish Traveller support group*

I've heard about so many examples [of racial harassment] ... verbal abuse and the like. In one case a family were driven out by the next-door neighbour playing 'Gypsies, Tramps and Thieves' all day and night at top volume. They just couldn't take it, but they left rather than report it. *TES officer*

The survey produced evidence of different views within and between local authorities on what constituted racial harassment. Some respondents said that many conflicts were influenced by hostility towards Gypsy and Irish Traveller tenants based on stereotyped views about these groups; however, others believed that, because tensions between groups were often associated with specific issues or incidents, they were not racially motivated. Reflecting government research, we found that some local authority officers did not consider the possibility that a dispute between neighbours might be racially motivated, because they did not view Gypsies and Irish Travellers as distinct ethnic groups. Some considered these groups to be responsible for the complaints or harassment they received, because of their own behaviour (ODPM, 2005e).

It's about bringing [Gypsies' and Irish Travellers'] behaviour up to acceptable levels. *Housing officer*

In some local authorities, housing and homelessness officers did not feel that racism or racial harassment of Gypsies and Irish Travellers was an

issue in the local area. In all cases where these views were expressed, other interviewees in the local area strongly disagreed.

There is not much racial harassment in this area. Traditionally there have been large numbers of families with long traditional links. Far from having tensions between the non-Gypsy and Traveller and Gypsy and Traveller community, Gypsies and Travellers feel part of the community. Their roots are here. There are issues, but not racial issues. Your kids are playing football in my road kind of issues. We are fairly lucky. It's a tolerant place. *Homelessness officer*

[This] is a very racist community ... the local population has an extreme perception of Gypsies and Travellers ... people feel that Gypsies and Travellers are thieves, liars, dirty, dishonest and don't pay their way, spongers and aggressive. There are No Traveller signs outside pubs ... and parents threatening to withdraw their children from the local school if Gypsies' and Travellers' children came into it ... they see Gypsy and Traveller children as almost an infection. ... a parish council told me their residents live in fear of Gypsies. *Police officer from the same area*

In other areas, officers recognised that there was hostility towards Gypsies and Irish Travellers and that they were likely to be the targets of racial harassment, but took no specific steps to counter this, and made no allowance for the likelihood of racial harassment when allocating accommodation.

If Travellers go into traditional housing [they will] not be greeted by a cup of tea and a welcome mat out for them. Our estates are not the most PC place ... there is targeting of people who are a bit different. *Homelessness officer*

Some officers working directly with Gypsies and Irish Travellers were concerned that, while incidents of anti-social behaviour involving these groups were frequently reported by neighbours, and action taken by the local authority, there was not the same promptness or formality when dealing with complaints of racial harassment made by Gypsies and Irish Travellers.

There is follow up when they are the perpetrators ... nothing gets done when they are called 'gyppos'. I've raised it [the issues of harassment of Gypsies] at meetings. They told me to have a quiet word with the other party. *GTLO*

7.2.2 Homelessness services

a. Do local authorities include homelessness among Gypsies and Irish Travellers in their homelessness strategies?

Despite indications from specialist officers, Gypsies, Irish Travellers and their support groups that homelessness was a serious problem among Gypsies and Irish Travellers, the survey showed that only 17.8 per cent of local authorities with a homelessness strategy referred to homelessness or likely future homelessness among Gypsies and Irish Travellers in their homelessness strategy. Local authorities that scored more highly on performance indicator BV2b (*see appendix 9, reference 32*), which measures performance in meeting the duty to promote race equality and good race relations, were more likely to refer to homelessness and likely future homelessness among Gypsies and Irish Travellers in their homelessness strategy. We also found, reflecting previous research (Avebury, 2003), that the majority of local authorities with recorded unauthorised encampments in their area, and therefore visible evidence of potential homelessness, had failed to mention or consider Gypsies' and Irish Travellers' needs in their homelessness reviews and strategies.

Homelessness strategies in most of the case study authorities did not refer to Gypsies' and Irish Travellers' particular needs, even when they included a section on ethnic minorities and their needs. As with housing strategies, if the needs of these groups were referred to in homelessness strategies, it was often in a separate section from that on ethnic minorities, suggesting that their needs were not seen as part of the local authority's general agenda on racial equality.

Under the Race Relations Act 1976 (RRA), local authorities must make arrangements to assess and consult on every proposed policy that is relevant to race equality and race relations. A race equality impact assessment (REIA) is a way of systematically assessing the effects that a proposed policy is likely to have on different racial groups, and its effects on relations between groups. Despite this requirement, only 12 per cent of authorities with a homelessness strategy had carried out an REIA on this strategy. Of those that had carried out an REIA, only a third (nine local authorities in total) included consideration of issues relevant to Gypsies and Irish Travellers in the assessment. Furthermore, less than a third (31.9%) of all local authorities with a homelessness strategy had monitored the effects of their strategy on race equality and race relations since it was adopted.

There was evidence from the case study authorities of a general lack of engagement with Gypsies and Irish Travellers in both the preparation and monitoring of homelessness strategies. These groups were rarely involved with the homelessness partnerships responsible for implementing the strategy. There was little evidence of consultation with Gypsies and Irish Travellers over the development of homelessness strategies, and no consultation in any of the case study authorities with

members of these groups who lived in conventional social housing. In one local authority, the GTLO had been given the homelessness strategy a matter of hours before it was finalised and asked to insert a section on Gypsies and Irish Travellers. Under these circumstances, it was impossible for this officer to engage with communities sufficiently to identify and develop effective mechanisms for meeting their needs, or to consider their needs within the wider strategy.

b. Do local authorities take account of cultural needs in their homelessness services?

Some local authorities in all parts of our research gave examples of specific measures they had taken to discharge their duties regarding homeless Gypsies and Irish Travellers in ways they felt were sensitive to their cultural needs and their aversion to conventional forms of social housing. For example, in one of the case study authorities, we were told that the local authority had purchased a caravan so that a family with a cultural aversion to conventional housing could return to Ireland and thereby prevent their being homeless. Another local authority built a bungalow for a large Irish Traveller family, some of whom were disabled. This bungalow had been designed so that it could be subdivided into two separate units of accommodation, should the family leave.

It was difficult to assess whether these efforts constituted good practice or represented part of a longer-term strategy in these local authorities for meeting Gypsies' and Irish Travellers' housing needs. Many of the initiatives and examples provided appeared to be ad hoc and formulated in response to specific situations, especially imminent eviction facing individual families. This reflected a tendency, identified across all areas of policy and practice discussed in this report, to focus on the most visible issues involving Gypsies and Irish Travellers.

Notwithstanding the specific examples identified above, there was evidence of an overall lack of focused service delivery. Although two-thirds of local authorities (66.9%) took account of the cultural needs of different racial groups when homelessness applications were considered, only a third (34.3%) considered 'cultural aversion' when deciding on homelessness applications from Gypsies and Irish Travellers. In authorities where the homelessness strategy included explicit reference to Gypsies and Irish Travellers, these cultural needs were more likely to have been taken into account.

We found a general lack of awareness about Gypsies' and Irish Travellers' needs for homelessness services, and a lack of initiative in identifying these needs. Nearly two-thirds of local authorities (61.4%) responding to the survey said that they had not faced any particular issues or difficulties in developing homelessness services for Gypsies and Irish Travellers. However, when we explored this issue in more detail through qualitative responses, and in the case study local authorities, we found that some housing officers were unaware of the authority's obligation to be

proactive in identifying the need for homelessness services among different racial groups. This suggests that there may have been problems that had not been identified.

No Gypsy has approached us and said they have a 'cultural aversion' to conventional housing. *Housing officer*

As with housing services more generally, we found that, even when local authorities were aware of particular cultural requirements, this was limited to recognising a need for Gypsy sites. Many felt that, if they were unable to provide Gypsy sites, there was nothing more they could or should do to identify and meet particular needs. Reflecting this, most applications for accommodation from homeless Gypsies and Irish Travellers in the case study authorities were met by the provision of temporary conventional social housing, without extra support.

There is an issue of the availability of suitable temporary accommodation in the district for homeless Gypsies and Irish Travellers who would claim a cultural aversion to 'traditional' housing. When approached in this situation we do look to secure vacancies at local sites, but where this is not an option we would look to discharge our interim duty through 'bricks and mortar' provision. *Local authority response to the survey*

The reality is that conventional housing is the only practical option available and this isn't wanted. *Local authority response to the survey*

We found some evidence of dissatisfaction among Gypsies and Irish Travellers with the overall standard of homelessness service provided to these groups. Reflecting ODPM research (ODPM, 2005e), the evidence from Gypsies and Irish Travellers, and from support groups and specialist workers, suggested that these groups faced difficulties in accessing homelessness services. Reported problems included:

- lack of support and assistance in making applications and gathering the necessary paperwork to support the application;
- inappropriate or incorrect advice;
- lack of understanding among service providers of their culture and needs, including those arising from low literacy levels; and
- being given inferior standards of service.

The personnel within the homelessness unit do not want to deal with Gypsies and Travellers. When a Gypsy or Traveller comes to the unit, the personnel always follow the same procedure, calling [name of unit manager]. She always tries to send the Gypsy or Traveller away. We helped a Gypsy woman to deal with the unit and put in a formal complaint against the homelessness unit at the council complaint department for the unit to comply with their duties and treat Gypsies and Travellers the same way as any other citizen. *Local Gypsy/Irish Traveller support group*

The homelessness team told us if we wanted to declare as homeless we had to get rid of our caravan. But we knew that if we did they would accuse us of making ourselves homeless. *Gypsy*

We found evidence that some Gypsies and Irish Travellers relied on specialist officers or support groups to advise them on homelessness, and to act as bridges between them and the homelessness service. In some cases, this was because Gypsies and Irish Travellers did not feel that homelessness officers were either equipped or committed to meeting their needs. Some said the lack of advice and support provided directly by homelessness services undermined their confidence in approaching the service, and in relying on its advice. Some felt they were given inadequate or misguided advice because of their racial group, and others said they had experienced direct discrimination (*see appendix 8*). Specialist officers told us that many of those living in conventional housing were reluctant to identify their ethnicity because they felt they would receive a lower standard of service if this were known.

You would have to assure them [that it was safe to identify themselves]. But I'm not sure how, because whatever you say there is prejudice within the council, even if there shouldn't be. *GTLO*

Many Gypsies, Irish Travellers and support groups noted particular issues that needed to be tackled if they were to have full access to homelessness services. They emphasised the need for support in making applications, in particular, assistance in gathering the evidence to prove that they met the criteria to qualify as homeless, and were therefore entitled to be housed by the authority. This could be difficult for Gypsies and Irish Travellers who led nomadic lives. Some support groups also said that documents commonly required to prove a connection to a local area, such as a utility bill or bank statements, could be extremely difficult to obtain.

They need extra support to prove it [local connection], because they won't usually have the standard documents, like pay slips or official letters sent to a home address. *Local Gypsy and Traveller support group*

Some Gypsies and Irish Travellers may find it difficult to establish that the local authority has a duty to house them because they are viewed as intentionally homeless. As stated earlier in this chapter, the lack of tenancy support can lead to their being evicted from or leaving social housing. This has not only the immediate effect of making them homeless, but also a longer-term effect in potentially rendering them intentionally homeless and thus limiting their entitlement to social housing. There was no evidence of local authorities dealing with these issues in their homelessness strategies.

Because many Travellers can't read their tenancy agreements and haven't had them explained to them adequately, they might leave the property without the proper handover arrangements. This can lead them to still be charged rent and therefore accruing arrears. This means that they'll be turned away when they present again as homeless; they'll be told it's their fault. *Local Gypsy and Traveller support group*

7.3 Summary and conclusions

Some local authorities had adapted their housing and homelessness policy and practice to meet the particular cultural needs of Gypsies and Irish Travellers. However, good practice examples were particularly scarce in this area.

Although most Gypsies and Irish Travellers were believed to live in conventional housing, the needs of these communities were seen almost exclusively in terms of Gypsy sites. The lack of separate ethnic monitoring categories meant that the numbers of Gypsies and Irish Travellers in conventional housing were unknown and their need for alternative accommodation, tenancy or other support remained disregarded. The result was overall inaction, since many authorities believed they were unable to do anything about the only recognised need: sites. The lack of linkage between Gypsy sites and conventional housing policy, reflected by the content of housing and homelessness strategies, and underpinned by the lack of consultation with Gypsies and Irish Travellers when they were developed, prevented gaps in services being identified. The widespread lack of training on the duty to promote race equality and good race relations, and on Gypsies' and Irish Travellers' cultural needs, left many housing officers unaware of, and unable to provide, services that were sensitive to the cultural needs of these groups. It also prevented them from identifying the need for focused action, including preventive work to deal with anti-social behaviour and racial harassment. This, in turn, contributed to tensions between Gypsies and Irish Travellers living in conventional housing and other groups, limiting opportunities for positive interaction.

Many Gypsies and Irish Travellers believed that they received substandard housing and homelessness services, and suffered discrimination in this area. Lack of data made it impossible to evaluate whether this was the case; but there was no evidence that local authorities were actively seeking to eliminate discrimination or promote equality of opportunity. Whatever the reality of the situation, the perception reduced Gypsies' and Irish Travellers' confidence in housing services, making them reluctant to engage with housing departments and take part in shaping services to ensure they met their needs. Since services were not likely to meet their needs, many relied on specialist officers or external support. This lack of participation in mainstream services reduced opportunities for interaction with other groups, and undermined the building of integrated communities.

7.4 Recommendations

We recommend the following as specific measures for the organisations listed below. A list of all recommendations in the report can be found at appendix 1.

Local authorities should:

- Conduct research to identify the numbers and needs of Gypsies and Irish Travellers in conventional housing, and explicitly include these groups in relevant housing policy (including housing, homelessness and supporting people strategies),⁸⁰ with links to site-related services.
- Formally record, investigate and monitor all reported incidents of racial harassment made by Gypsies and Irish Travellers in conventional housing, take steps to encourage reporting and develop targeted preventive strategies.

The government should:

- Issue guidance for local authorities on developing homelessness strategies that consider Gypsies' and Irish Travellers' needs for accommodation, advice and support.

The Housing Corporation should:

- Require all housing associations to include Gypsies and Irish Travellers in ethnic monitoring systems, and ensure that all front line staff are able to provide services that are sensitive to Gypsies' and Irish Travellers' cultural needs.

The Chartered Institute of Housing should:

- Include material about Gypsies and Irish Travellers and race equality in its training package for member organisations.
- Consider issuing guidance on good practice on Gypsies and Irish Travellers and conventional housing.

The National Housing Federation should:

- Include Gypsies and Irish Travellers in guidance on conducting race equality reviews of services, and advise member organisations to include Gypsies and Irish Travellers in their ethnic monitoring systems.

Chapter 8

Conclusions and recommendations

8.1 Introduction

In this chapter, we first summarise the findings of this inquiry. We then suggest ways to plan for, provide and manage sites, to provide quality mainstream services for Gypsies and Irish Travellers of no lesser standard than for others, to build bridges between these groups and other members of the public, and to foster sustainable and integrated local communities.

This inquiry was prompted by the poor state of race relations and lack of social integration between Gypsies, Irish Travellers and other members of local communities, and by concerns about poor life chances for these groups, and unequal standards in accommodation and in education and health. Recent and imminent changes to planning and housing law, and policy relating to sites, offer local authorities a unique opportunity to tackle the underlying causes of both community tension and inequality. The aim of the government's agenda on housing and sites is to ensure decent accommodation for all, and to promote sustainable communities. Our concern is to see that local authorities act promptly in this area to promote both equality and good race relations, by taking their statutory duty to promote race equality and good race relations seriously.

Gypsies and Irish Travellers have been recognised by the courts as ethnic groups under the Race Relations Act 1976 (RRA). This means they are protected from unlawful racial discrimination and harassment, and covered by the duty most public authorities now have to eliminate unlawful racial discrimination, and to promote equality of opportunity and good race relations. Gypsies and Irish Travellers are distinct groups, with different ways of life and culture, but who share a common history of nomadism. Today, some still travel for economic or cultural reasons and need transit sites or stopping places to make this possible. For others, however, nomadism is more a state of mind than a practical reality; they are committed to living in caravans on privately owned or public sites with their extended family, but travel little or not at all.

The CRE sees race equality and good race relations as inseparable components of an integrated society. The goal is not to provide sites where Gypsies and Irish Travellers lead separate, parallel lives. It is to

make sure that there are suitable sites and services for them as full, integrated members of society, with all the associated rights and responsibilities. The law does not allow positive discrimination, but it does recognise that some groups' needs may have to be met in different ways, if they are to have equality of opportunity with others.

The inquiry involved a survey of all local authorities in England and Wales, to which 236 responded in detail, an in-depth study in nine local authorities and a public call for evidence. It has produced the first authoritative evidence on how far local authorities are meeting their duty under the RRA to promote race equality and good race relations in their work on planning for, providing and managing Gypsy sites. In assessing the evidence, we considered in particular how local authorities balance Gypsies' and Irish Travellers' rights and responsibilities with those of other groups, and whether they actively seek to eliminate unlawful racial discrimination, promote equal opportunities, foster good race relations and encourage integration. We also considered the role of the police in policing Gypsy sites and managing unauthorised encampments.

8.2 The findings

As this section makes clear, we found several examples of good practice. However, most of our findings gave cause for concern. We group them under three headings – weakness in local leadership; organisational weaknesses; and failures in service provision – and summarise the results. We then assess the implications for authorities' statutory responsibilities under the RRA.

8.2.1 Good practice

We were encouraged to find examples of authorities taking a constructive and innovative approach to issues concerning Gypsies and Irish Travellers, often with positive results. Crucially, this demonstrated that it is possible to counter each of the difficulties we found elsewhere. Examples of good practice include the following:

- Local councillors who have taken a strong leadership role on the question of providing sites for Gypsies and Irish Travellers, and are proactive in consulting and informing the public about the substantive issues, and the steps the authority is taking.
- Local authorities that have used carefully designed consultation exercises to reach and involve all relevant members of their community in discussions about Gypsy sites, and have responded to concerns, with

positive results for community relations, and public support for providing more sites.

- Local authorities that maintain well-resourced and well-managed public sites, which provide for Gypsies' and Irish Travellers' needs, and make it easier for them to take part in the life of the wider community.
- Local authorities that have been active in promoting good race relations, successfully building bridges between different groups in the community and tackling the issues that have caused tension.
- Local authorities that have made responsibility for Gypsies and Irish Travellers a routine part of their mainstream work, at both strategic and operational levels, and particularly in planning and housing. Strengthened by specific training for staff, and data collection to inform service development, this has ensured efficient and effective use of resources, to the benefit of all groups in the community.
- Local authorities that actively encourage Gypsies and Irish Travellers to take part in local decision-making processes, and promote interaction between them and other members of the public. This has led to more understanding and better community relations.
- Police forces that have seen Gypsies and Irish Travellers as members of the local community, and taken steps to win their trust and confidence. This has led to greater readiness among Gypsies and Irish Travellers to report crime and anti-social behaviour, and to give evidence, allowing the police to take appropriate action in response.

8.2.2 Weaknesses in local leadership

Local councillors face intense pressure in some areas not to provide sites or better services for Gypsies and Irish Travellers. As a result, many have opposed the provision of legal sites, sometimes tolerating unobtrusive, unauthorised sites and developments as a way of meeting unmet needs without facing public criticism for doing so formally. They have also failed to recognise even long-standing Gypsy and Irish Traveller residents as members of the local community, with the same rights and responsibilities as others.

In the absence of reliable data, the most visible evidence of need for Gypsy sites is often unauthorised encampments and developments, which cause considerable community tension. Local councillors find themselves caught in a 'catch-22' situation: public hostility to these visible consequences of unmet needs for sites creates a political barrier to tackling the primary cause of the problem – the lack of suitable sites. Some councillors respond by focusing exclusively on the use of enforcement in relation to unauthorised sites and developments,

implying in public statements that they not only oppose a particular site, but question Gypsies' and Irish Travellers' right to site accommodation at all, despite the courts' endorsement of this right. Others recognise their responsibility for providing sites and services, but do so as invisibly as possible, while expressing strong support for enforcement in public. Some councillors use language that reinforces negative stereotypes about Gypsies and Irish Travellers.

Similar difficulties were identified among parish and community councillors, whose support for, or opposition to, a proposed site shaped local views, greatly affecting prospects of success. Parish and community councils, while not bound by the same specific duties as local authorities under the RRA, do have the same overarching statutory duty to eliminate unlawful racial discrimination, and promote equal opportunities and good race relations when carrying out their functions. The evidence suggests that many parish and community councillors may be unaware of that responsibility and its practical implications for Gypsies and Irish Travellers.

Some elected representatives are failing in their responsibility to reconcile what may appear to be conflicting needs among different sections of the community, and to make sure their authority meets its statutory responsibilities under the RRA.

8.2.3 Weaknesses in internal organisation

The allocation of responsibility for Gypsy sites, and for providing services to Gypsies and Irish Travellers, and the relationship that this area of work has to the authority's corporate strategies and policies on services, is critically important.

a. Mainstreaming

Gypsies and Irish Travellers live in or pass through 91.1 per cent of local authority areas. However, they are not generally included in the overall vision that each local authority has of its community, and from which its strategies flow. As a result, their needs are not included in the authority's corporate strategies, whether on land use, regeneration, housing, social cohesion or equality, and instead of being met through long-term strategic solutions are dealt with reactively and only in the short-term.

Gypsies and Irish Travellers are omitted from mainstream agendas for three reasons. First, there is little awareness that they are ethnic groups, particularly in predominantly rural areas, as white ethnic minorities tend to be overlooked. This means those responsible for equality do not take them into account and they are omitted from corporate measures designed to promote race equality, such as the authority's race equality scheme. Second, even when Gypsies' and Irish Travellers' ethnicity is recognised, there is little or no data on these groups that would enable

their needs to be identified and met. This is in part because Gypsies and Irish Travellers are not included as separate census categories, and in part because local authorities have not chosen to collect their own data. Third, and as a consequence of the first two reasons, Gypsies' and Irish Travellers' needs are associated almost exclusively with sites and services to cater for a nomadic lifestyle. Wider needs – including those of Gypsies and Irish Travellers living in houses – are overlooked.

Since Gypsies' and Irish Travellers' requirement for sites is often seen as the product of a choice of lifestyle rather than a need linked to ethnicity, senior and front line staff do not think they are responsible for developing related policies or services. And even when Gypsies and Irish Travellers are recognised as ethnic groups, lack of understanding of the duty to promote race equality and good relations, and what it requires in practice, means that authorities do not examine their policies or services for the effects they are likely to have on these groups, or on race relations. Some officers do not appear to understand that promoting equality of opportunity may call for some racial groups to be treated differently, to meet needs that other groups do not have. Nor are many officers aware that the duty includes responsibility for promoting good race relations: that key dimension of the integration agenda has been neglected.

Some local authorities provide services to Gypsies and Irish Travellers through specialists, such as Traveller Education Services (TES) and Gypsy and Traveller liaison officers (GTLOs). GTLOs are meant to provide a liaison service, not to provide services directly, although that is what happens in practice in many areas. This amounts to segregated service provision. Education is one of the few mainstream services that Gypsies and Irish Travellers do receive. While TES help them to make use of education services and provide an advisory service, schools are expected to take the necessary steps to include Gypsies and Irish Travellers fully in all aspects of education. However, the evidence suggests that this may not always be happening, with consequences for integrating Gypsy and Irish Traveller children.

b. Allocating responsibility and coordinating services

The provision of sites and services for Gypsies and Irish Travellers cuts across many different departments in local authorities, and across the various tiers of authorities in each region. If the different issues involved are to be dealt with consistently and strategically, specific responsibility for Gypsy sites and services should be allocated to a senior officer. It is also vital that all aspects of policy on providing and managing sites, including unauthorised encampments, are coordinated, and that clear lines of communication are established between operational staff and strategic policy makers within and across authorities. When this has been done, authorities have made visible progress.

However, we found few examples of authorities ensuring that this happened. Even when senior officers were responsible for Gypsy sites,

political pressures tended to divert attention away from site provision to enforcement. In the case of two-tier local authorities, there was a risk of disjuncture between policies on provision and enforcement, with actions in one area undermining those in the other, resulting in wasted resources and damage to services and race relations. Front line responsibility is important to ensure direct engagement with Gypsies and Irish Travellers, but when this is not supported by commitment among policy makers, and wider corporate support, services lack strategic direction and resources.

The lack of coordination between the provision of sites and the authority's wider policy on housing is particularly acute. Most work on providing sites takes place outside authorities' framework for general policy on planning and housing. This means they are usually unaware of, or avoid dealing with, the fact that their decisions on how land is developed, and how housing is allocated, affect their ability to find or provide land for Gypsy sites. In practice, given the shortage of both suitable land and conventional housing, this means either unequal provision or segregated provision: sites provided, but in unsuitable locations, and a long way from services and the wider community. Inevitably, this leads to isolation and inequality in access to services, and perpetuates the sense of Gypsies and Irish Travellers as 'others'.

Gypsies and Irish Travellers who live in conventional housing may also have specific needs, but as most local authorities do not imagine that their approach to site provision could have consequences for their policies on housing and homelessness, let alone combine the two policy areas, they cannot anticipate these and plan for them. For example, Gypsies and Irish Travellers who cannot keep up their tenancies without support, such as help with reading and understanding their tenancy agreement, may be evicted and then deemed intentionally homeless, and therefore not entitled to housing from the council, and so may resort to unauthorised encampments. This, in turn, leads to more local authority expenditure, rising community tensions and negative results for the whole community.

Some local authorities devote considerable resources to enforcement action, without acknowledging that the root cause of many encampments is insufficient sites. This fosters the perception that unauthorised encampments are a manifestation of anti-social behaviour rather than of unmet need, and risks damaging race relations and reinforcing resistance to providing sites.

Lacking clear strategic direction, officers in different departments work to competing agendas, some focusing on providing services, others on enforcement. This lack of coordination is magnified when their various partner organisations, such as police forces and health services, take different approaches, and becomes still more problematic when different individuals within them choose to take different approaches. Authorities pay the price for this in wasted resources, difficulties for the staff

concerned, mounting public exasperation and anger, and deteriorating race relations.

The current approach to Gypsy sites and conventional accommodation can have a profoundly adverse effect on Gypsies' and Irish Travellers' health and education. It can reduce opportunities for civic engagement. In the longer term, social exclusion carries a high price both for members of these groups and the wider community.

c. Policy development

Effective policies are not developed because local authorities do not have the necessary information, and do not use the information they have. This is exacerbated by the fact that much of the work related to Gypsies and Irish Travellers takes place outside any policy framework. Local authorities either do not have a policy on the work they do in relation to Gypsies and Travellers or they disregard any written document they do have and focus instead on informal approaches (such as long-term toleration of unauthorised encampments as an alternative to providing sites) that depart from official policy. Informal policies cannot be monitored or assessed properly under the duty to promote race equality and good relations.

i. Evidence

There is little reliable data on Gypsies and Irish Travellers, and their absence as a specific category in ethnic monitoring systems is reinforced by their omission from research into the needs of ethnic minorities. The only data available to local authorities in England comes from the biannual caravan count, and from information collected by TES and schools. Most of this information relates only to Gypsies and Irish Travellers who live on sites, and is usually not shared with other departments. The absence of data on Gypsies' and Irish Travellers' needs for accommodation and services is then used to defend the absence of a targeted policy. Ironically, the absence of data on these needs is also used to justify the failure to collect further data.

ii. Consultation

By and large, local authorities do little to adapt their consultation methods and processes to make them accessible to Gypsies and Irish Travellers. As a result, these groups do not have the opportunity to contribute to the development of policies, and to make sure these take account of their needs. Many local authorities are failing to consult any members of the public effectively on their policies on planning, providing public sites and managing unauthorised encampments, or doing so only as a reaction to wider local concern. Others consult in unhelpful ways, for example by arranging large public meetings, where individual concerns cannot be discussed, and which are intimidating for the Gypsies and Irish Travellers who attend. This can have a damaging

effect on race relations, deterring Gypsies and Irish Travellers from any relationship with the authority in the future, and increasing local opposition to doing anything for or with them. This can in turn bring the wheel full circle and intensify the authority's reluctance to develop clear and measurable policies for meeting the need for sites and services.

iii. Impact assessment

Race equality impact assessments (REIAs), which local authorities are expected to carry out under the RRA in line with the arrangements they are legally required to set out in their race equality scheme, are intended to help them make sure they examine the implications of their policy proposals for race equality and race relations at all stages of their development. REIAs help to produce better policies overall, enabling authorities to improve their performance in inspections, increase community satisfaction and reduce the risk of legal challenges under the RRA. However, the REIA process is not sufficiently or adequately used. Even when REIAs are carried out, they tend to be general assessments that consider all equality issues together, without any effort to obtain data on individual ethnic groups or analyse the way the policies are likely to affect them. Gypsies and Irish Travellers are rarely mentioned specifically.

None of the authorities, even those that carry out REIAs, consider the effects their policies might have on race relations. Given the evidence of community tension over Gypsy sites, this is a significant omission; it means authorities cannot see how their policies are contributing to divisions in the community, and take steps accordingly to mitigate their effects or revise them. For example, few local authorities consult the public, or even communicate with them, on issues that are known to be sensitive, or work with local voluntary organisations to build understanding between different sections of the community. Most examples of work to promote good race relations tend to be short-term, one-off cultural events or initiatives, with little attempt being made to link them to the issues actually causing local concern.

d. Performance management

Services for sites are not covered by specific performance management systems, and Gypsies and Irish Travellers are not referred to in the performance indicators for mainstream service areas. This means there is no way of monitoring the effects of these services on Gypsies and Irish Travellers, or on their relations with the wider community, and no structural impetus for reform to ensure acceptable standards, comparable to those in conventional housing.

Formal procedures are rarely used to evaluate the provision and management of sites and unauthorised encampments, and there are no detailed timetables for carrying out assessments of the need for accommodation and finding locations for sites. Neither local nor national

performance indicators have been drawn up to measure the quality of a site, in contrast with the technical performance indicators for all aspects of housing provision that local authorities are expected to meet. Local authorities do not have internal performance management systems for managing sites, a problem that becomes more acute when sites are managed by external agencies. Quality and management of sites are matters of serious concern, as well as the lack of redress for residents if, for instance, repairs are not carried out. There is no national or local system for monitoring and setting standards for the way unauthorised encampments are managed, despite the implications, for example, of waste management, for race relations, and for the individuals concerned.

8.2.4 Failures in service provision

a. Unequal services

The standards of public sites provided by local authorities do not match those for other accommodation, including conventional social housing. Furthermore, the informality of the allocation system, and the criteria used, whereby the power to make decisions is sometimes given to families already on the site, mean that pitches are not always allocated on the basis of either need or length of time on a waiting list, and may discriminate against Gypsies or Irish Travellers on the basis of their ethnicity.

Applications by Gypsies and Irish Travellers for planning permission to develop land they own may in some cases be failing not for material reasons (that is, because the site is genuinely unsuitable for caravan dwelling), but because of other factors. These include poor applications (which could be prevented through assistance) and local councillors' reluctance to be seen to support their applications. The failure to give applicants from these groups the specific assistance and guidance they need to make good planning applications in suitable locations only leads to rejections and costly appeals that could have been avoided.

These failures can have a wider social cost. Gypsies and Irish Travellers may lose trust in the local authority and turn away even from the services that are available; for example, rather than seeking advice from planning officers on where to buy land and how to prepare an application, they may establish unauthorised developments. The result is a lack of civic participation by Gypsies and Irish Travellers, who believe they receive second-class treatment, are not respected as individuals and are discriminated against, and deepening divisions in the community.

b. Social responsibility, anti-social behaviour and crime

Some Gypsies and Irish Travellers do not accept their responsibilities as members of the community. This rejection, at its most visible in the

indiscriminate dumping of commercial waste, affects others in the community and damages race relations. Social responsibility is not fostered in an environment where there is no dialogue and no mutual understanding of what it means to be equal members of a local community. It is also undermined if Gypsies and Irish Travellers are not held individually accountable for their actions, as others are. The collective labelling of the Gypsy and, in particular, the Irish Traveller community by local media, and significantly also by some local councillors, leads many to believe that there is little point in trying to distinguish themselves from the actions of a problematic minority.

The failure by some local authorities and local police to deal effectively with incidents of anti-social behaviour and crime on sites affects both members of the public living nearby and site residents who are themselves victims. On the other hand, when action is taken against everyone on a site, or is disproportionate to the offence committed, the residents of the site cease to trust that the authorities will treat them fairly.

8.2.5 **A vicious circle**

One of the main results of the weaknesses described above is to intensify public resistance to providing sites and services for Gypsies and Irish Travellers, leading to:

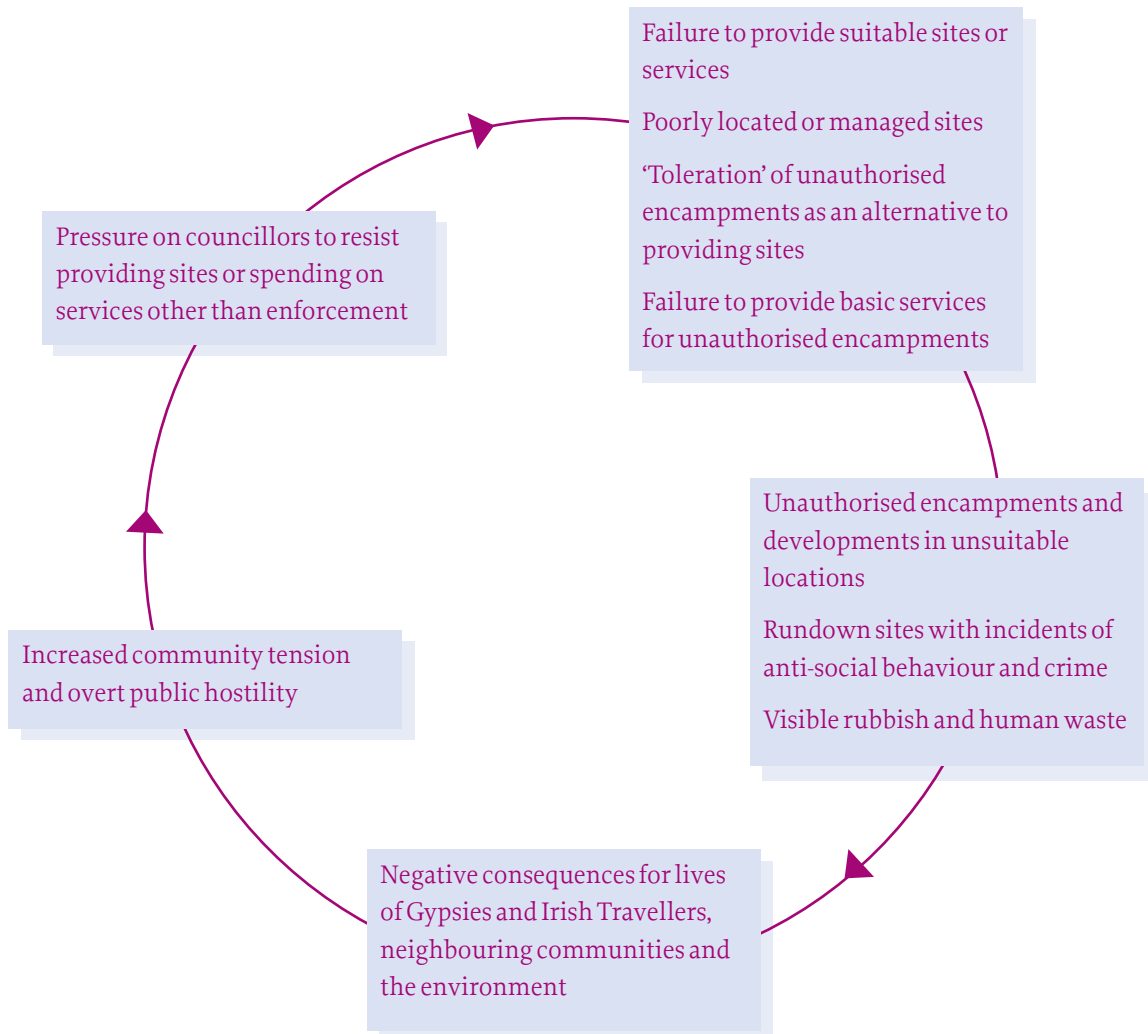
- greater local authority reluctance to provide suitable sites, and, therefore, to more unauthorised encampments or developments;
- fewer resources being made available for managing sites to acceptable standards, and, therefore, to run-down sites, with incidents of anti-social behaviour; and
- reluctance to provide basic services for unauthorised encampments, and, therefore, to accumulating rubbish and damage to the environment.

Each of these situations, with their negative effects on the environment, on Gypsies and Irish Travellers living on sites, and on neighbouring residents, ratchets up tensions in the community, entrenching resistance to providing any more sites or services, and culminating in pressure on local councillors not to provide services and to take a strong enforcement approach. Our recommendations below are designed to help break out of this vicious circle (*see figure 13*).

8.2.6 **Promoting race equality and integration**

The examples of good practice show that some local authorities are providing tailored services to Gypsies and Irish Travellers, promoting

Figure 13: A vicious circle



equality of opportunity and fostering understanding and good race relations between communities. They have made use of the arrangements they are required to make in their race equality scheme – to consult, assess and monitor – to make sure the policies they develop take account of the needs of Gypsies and Irish Travellers, as well as those of the rest of the community. These authorities are using their resources efficiently and effectively, and can be confident of meeting their responsibility to work for race equality and good race relations, and to build an integrated community.

Elsewhere, authorities that are not meeting Gypsies' and Irish Travellers' need for accommodation on the same basis as for others in the community, and not dealing with the consequent damage to community relations, risk non-compliance with their legal responsibilities under the statutory general duty to promote race equality and good race relations.

Many are also failing to put their race equality schemes, and the arrangements these call for, into effect, and are therefore at risk of legal challenge, by individuals, and by the CRE itself. The statutory general duty is enforceable by way of judicial review, while the specific duties can be enforced by the CRE.

The policies and procedures of police forces in respect of unauthorised encampments, and the way they handle reports of crime on sites, suggests that their progress in meeting the duty in respect of these two ethnic minority groups is equally patchy.⁸⁴

The duty to promote race equality and good relations is not an end in itself, but a means to uncover and tackle racial inequality and poor race relations. The CRE has identified equality, participation and interaction as the three essential components of an integrated society, and we now examine our findings in the light of these.

a. Equality

People's needs differ, and authorities responsible for meeting these will have to use different approaches to make sure their services reach everyone in the community they serve, of all ethnic backgrounds. Since local authorities do not collect ethnic data on Gypsies and Irish Travellers, there is little authoritative evidence of whether these groups can access their services, and whether they meet their needs. The absence of data also means that local authorities have no means of knowing that their policies and services are not discriminating unlawfully, and that they are meeting the duty to promote equality of opportunity. The evidence from our inquiry suggests that, in many cases, Gypsies and Irish Travellers are being denied equal opportunities in the areas of planning, site provision and housing. The only services that many Gypsies and Irish Travellers do receive are the limited range that can be provided formally or informally by specialist officers. The lack of targeted policing following incidents of crime and anti-social behaviour in some cases, and blanket policing in others, means that, in effect, the levels of responsibility expected of Gypsies and Irish Travellers in their behaviour towards others are not the same as those expected for other groups – in practice individual Gypsies and Irish Travellers are either not held responsible for their own behaviour, or are held collectively responsible for the behaviour of others. We conclude therefore that Gypsies and Irish Travellers are not receiving the same services or the same quality of service as others, and that the services they do receive are in effect segregated from mainstream services.

b. Participation

Everyone in the community should have equal access to services, equal responsibility for paying for them through taxation, and an equal voice in local consultations on policy and services. Local authorities' failure to adapt consultation exercises, combined with the lack of local support groups, and limited resources for those that do exist, mean that Gypsies

and Irish Travellers often find it difficult to engage with local authorities or get involved in the policy development process. Local councillors do not usually regard Gypsies and Irish Travellers as members of the local community, and do not reach out to them as they do to their other constituents; this further reduces opportunities for civic participation.

c. Interaction

The failure to consult appropriately, and the remote location of many public sites, and unauthorised encampments and developments, give Gypsies and Irish Travellers few opportunities to get involved in the life of the wider community. As mentioned above, many Gypsies and Irish Travellers find it difficult to use mainstream services, and to meet other local residents and strike up friendships in the normal course of their lives. The anti-social behaviour of a small minority of site residents can create barriers for other Gypsies and Irish Travellers in engaging with the wider public, since they too are associated with highly visible problems. Since many Gypsies and Irish Travellers are reluctant to acknowledge their ethnicity openly, people are generally not likely to know about the positive contact that does take place. Local authorities do not make the best use of opportunities to build understanding between different groups in the community, or consider funding local voluntary organisations to work with them in this area.

As long as the only visible signs of interaction between Gypsies and Irish Travellers and others in the community are the heated discussions about sites, and conflicts over unauthorised encampments and developments, the community will find itself in an impasse, with Gypsies and Irish Travellers unwilling to engage positively with the local authority or the rest of a community, which is in turn entrenched in its hostility towards them. Everyone's attention will remain concentrated on the issues that divide, rather than those that unite.

The overall outcome is that many Gypsies and Irish Travellers live parallel lives, alongside, but separate from, others in the community. Mutual misunderstandings and stereotypes abound, often fuelled by the media, with resentment and hostility becoming the only currency in which any exchange takes place between Gypsies and Irish Travellers and the rest of the community.

The general inability, and at times refusal, of local authorities to recognise the connection between community tensions surrounding Gypsy sites and the need for suitable legal sites, and to take practical steps to tackle these problems within a wider approach to social integration, amount to a failure to meet the duty to promote race equality and good race relations. Isolated events to promote understanding of Gypsy and Irish Traveller culture, while well intended, are not sufficient to demonstrate compliance, and damaging messages sent out by some local authorities can easily counteract the benefits of these initiatives.

8.3 The way forward

Our goal is to replace the vicious circle of unmet need and public hostility which this inquiry has identified with a sustainable approach to planning, providing and managing Gypsy sites in England and Wales. To that end, the recommendations below, inspired by the CRE's vision of equal rights and responsibilities, equal participation and positive social interaction, are designed to achieve the following core objectives:

- effective implementation of the new national policy framework on the assessment of need, the provision and management of sites, planning and enforcement, to ensure sufficient, good, legal sites;
- positive engagement and good relations between Gypsies and Irish Travellers and other members of the public;
- strong local leadership on equality and Gypsy sites from local and parish councillors, and leadership in Gypsy and Irish Traveller communities;
- quality services, both mainstream and those targeted at Gypsies and Irish Travellers in all types of accommodation, through coordinated strategies linked to front line operations;
- a strong evidence base for developing policies and services;
- a robust performance management framework for Gypsy site services, setting standards comparable to those in conventional social housing;
- targeted and proportionate policing on Gypsy sites, earning the confidence of site residents and other members of the public; and
- achievement of these objectives through full and effective implementation of the statutory duty on public authorities, including local authorities and police services, to eliminate unlawful racial discrimination and promote equality of opportunity and good race relations.

Our recommendations go beyond the role of local authorities and the police, identifying key roles that other local, regional and national organisations, and Gypsies and Irish Travellers themselves, could play.

8.3.1 National policy framework

Over the coming years, the government expects local authorities to implement several legislative and policy changes on Gypsy sites (*see chapter 1*). Local authorities will have to assess the need for sites, and identify suitable locations for sites that meet that need, as part of their local plans. This will not be easy, given the amount of tension on this

subject, and local authorities can expect to come under pressure to resist meeting their responsibility. National bodies have a vital role to play here, by providing strong leadership, supporting, advising, monitoring and, where necessary, enforcing the law.

In preparation, central (and devolved) government should publish guidance on site design and management. The Local Government Association (LGA) and Welsh Local Government (WLGA) should also give serious thought to any supplementary guidance local authorities may need on providing sites (and on enforcement), with special attention to their effects on community and race relations.

The government should monitor closely the progress local authorities make in finding locations for sites, on the basis of quantified need. In particular, the Office of the Deputy Prime Minister (ODPM) should consider drawing up a clear timetable for local authorities to set up sites, and make sure it is met. As part of this, it should require local planning authorities to report their progress in providing Gypsy sites as part of their yearly monitoring reports on the implementation of policies in the local development frameworks, so that local authorities at risk of non-compliance may be identified at an early stage. The CRE could then itself use those reports to assess how local authorities are meeting the duty to promote race equality and good relations in their work in relation to sites.

Central (and devolved) government should develop ways of monitoring standards of service on Gypsy sites, whether by broadening the reach of housing performance indicators (such as those on user satisfaction) to include sites, or by developing specific indicators for sites. Performance indicators and targets in mainstream areas, such as housing, homelessness, social services and deprivation, should include Gypsies and Irish Travellers as separate identifiable groups, so that progress can be measured.

The ODPM should make sure that regional housing boards and regional planning bodies (and any merged bodies) make the promotion of equality and good race relations integral to their work on allocating land for Gypsy sites, and work with individual local authorities to develop housing strategies and find land for sites. The ODPM should also consider the role that government offices in the regions can play in ensuring that regional spatial strategies and the Welsh Spatial Plan cover Gypsies' and Irish Travellers' needs, and in advising local authorities on the allocation of land for Gypsy sites.

The ODPM has made clear that registered social landlords (RSLs) have an important future role to play in providing and managing Gypsy sites. RSLs have built up expertise in managing accommodation and should be encouraged to specialise in this field. Supported and monitored by the Housing Corporation, RSLs could play an important part in developing Gypsy sites as a long-term part of the local community.

8.3.2 Building bridges

Generations of distrust and misunderstanding will not be overcome overnight. Prejudice against Gypsies and Irish Travellers is deep-rooted and the behaviour of a small number of Gypsies and Irish Travellers has reinforced damaging stereotypes. In some local authorities, mismanagement of Gypsy and Irish Traveller issues will make it difficult for people in their communities to accept that the authority now genuinely sees these groups as equal members of the local community. If misperceptions on both sides are to be replaced with understanding and acceptance, Gypsies and Irish Travellers will need to give their backing to local authorities' efforts in building bridges, and be ready to reach out to others in the community. It is essential that their efforts are reciprocated.

Local authorities will need to foster a vision for the future that recognises that the vicious circle in which everyone is trapped benefits no one. This will require positive steps to deal vigorously with the root causes of community tension, and the myths and stereotypes on all sides, and to publicise the authority's positive initiatives. They must make clear to all concerned that Gypsies and Irish Travellers have the same rights as anyone else, and are bound by the same responsibilities as others to pay for services through council tax and utility bills. Local authorities can make it possible⁸² for Gypsies and Irish Travellers to do this by providing or helping to develop suitable authorised sites.

Most importantly, local authorities will have to create opportunities for contact and interaction between Gypsies and Irish Travellers and others in the community, so that they can build relationships around common interests. The location and design of sites will be crucial to this. Easy access to local services, and to social contact with other residents in the community, should foster a sense of a single community with shared interests. Public sites that are designed to include communal areas will help to create a sense of the site as a community, and allow it to be used for consultations and events in the wider community. The ODFM should make sure that regional housing boards take account of whether the proposed sites will promote integration when considering funding bids for Gypsy sites. It is entirely possible to have integrated communities without Gypsies and Irish Travellers abandoning their distinct cultures, including the cultural tradition of living in caravans.

Local authorities should also draw local voluntary organisations and others, such as the representatives of faith groups, who have already played a key role in promoting links between communities in some areas, into the bridge-building process.

To achieve consistency across the country, we suggest that government should develop a national framework for action, to encourage local authorities to take the initiative in promoting integration, anticipating and resolving conflict. To support this work, government should fund an initiative to develop conflict resolution tools for local authorities seeking

to provide sites and deal with unauthorised sites. This should be piloted in local authorities, and then promoted more widely. It is essential to involve Gypsies and Irish Travellers in these initiatives, so that they can have a sense of 'ownership' of the decisions made as a result, and to make sufficient resources available for support groups to help them to do so.

8.3.3 Local leadership

Strong – and courageous – local political leadership will be essential. Councillors have a potentially powerful role to play in reaching out to Gypsies and Irish Travellers, helping the public and the media to understand the facts, and finding ways of uniting divided communities. Some councillors may find it easier to accept Gypsies and Irish Travellers as equal members of the community if they register and exercise their right to vote. Voluntary organisations working with these groups should encourage those who are not registered to do so.

There is an equally pressing need for the leaders of local authority departments, political parties, and local, district and regional authorities to take a consistent approach and to ensure that their strategies, policies and services are well coordinated. The Improvement and Development Agency (IDeA) and the LGA and WLGA may be able to help councillors and officers here.

The support of parish and community councillors can be crucial in gaining the support of local residents for providing Gypsy sites, and in responding appropriately to local concerns. The National Association of Local Councils (and One Voice in Wales) should give parish and community councillors the advice and assistance they need on Gypsy sites, and on their duty to promote race equality and good relations, to fulfil their role as community leaders.

Gypsies and Irish Travellers also need leadership and it is welcome that some of them are engaging on behalf of their communities in discussions with national government and other agencies. Similar leadership is needed locally, to encourage dialogue and cooperation. Local authorities will need reassurance that, if they seek to consult locally, work to provide enough suitable sites, and proactively offer planning advice, community representatives will work with them, and with local Gypsy and Irish Traveller communities to help ensure that authorised sites really are suitable, and that applications for planning permission are submitted in the proper way. The CRE is considering ways of supporting work to develop this capacity among Gypsies and Irish Travellers.

8.3.4 Strategic coordination and implementation

Local authorities must take a long-term strategic approach to the question of Gypsy sites instead of resorting to ad hoc, short-term reactions. The work they do to provide Gypsy sites, ensure services for these groups, and promote integration, must form part of their broader strategies and methods, including local strategic partnerships, forums for community consultation, and multi-agency approaches to community cohesion and the duty to promote race equality and good race relations. In particular, it is important that the authority's efforts to provide sites are part of its general work on accommodation, are linked to its policies on land use and regeneration, and are coordinated with their strategies for achieving community cohesion and sustainable communities. Local authorities will need concrete measurable objectives and plans for providing services for Gypsies and Irish Travellers, and for promoting good relations between them and others in the community.

Responsibility for all work relating to Gypsy sites should be allocated to a senior officer and procedures introduced to ensure a strategic, coordinated approach both within the authority and between authorities across the region. This is particularly important in view of the changing policy context, in which new regional plans for accommodation, including sites, will be developed through regional planning and housing boards. Good communication and procedures for ensuring cooperation between regional and local tiers will be essential. In England, county councils have an important role to play in coordinating the approaches taken by district councils, so that there is a consistent approach to assessing need and providing sites across the region.

A successful, long-term, strategic approach to providing sites requires a similar approach to managing them. This means ensuring that private sites have access to services, and that public sites are managed effectively. Achieving this will require input from all local authority departments, not just specialists, such as TES, GTLOs and specialist health officers who work with Gypsies and Irish Travellers.

Taking a long-term strategic approach involves making all parts of a policy formal, and making sure that the approach taken in each area is sustainable and consistent. Making their policies formal will allow local authorities to assess when the procedures they use are affecting a particular group adversely, and to take steps to change them. However, it will also draw attention to some of the positive services that specialist service providers are providing informally or discreetly to Gypsies and Irish Travellers. This may lead to public resistance in the short term, and calls for these services to be withdrawn. It is therefore vital that local authorities consider the effects of making changes carefully, and involve specialist service providers in the policy development process. It is equally important that police forces make their policies formal, particularly their informal approaches to managing unauthorised encampments, and assess their effects on race equality and race relations.

8.3.5 **Mainstreaming local authority and police services**

Arrangements by local authorities and police forces for providing services should be based on the recognition that Gypsies and Irish Travellers are first and foremost members of the public, and should be treated with as much dignity and concern as anyone else. The services may need to be adapted for these groups, as they are for other ethnic minorities (and, indeed, other sections of the public), but they should be provided wherever possible through mainstream public services. This means that officers in the main service departments in local authorities will be responsible for ensuring that the services reach these ethnic groups, and should, if necessary, receive training on their cultures and ways of life.

Specialist and professional workers provide vital services to Gypsies and Irish Travellers, and are in some cases the only people to be doing so. These services will continue to be needed in the foreseeable future. However, this support should complement, rather than be a substitute for, the services that are available to other members of the public. Over-reliance on specialist providers to provide services, rather than to advise and facilitate, is inefficient and expensive and does not open up opportunities for dialogue between different groups in the community.

Local authorities and police forces should relate to Gypsies and Irish Travellers as local citizens, with rights and responsibilities. Local authorities have to meet both the legitimate expectations of Gypsies and Irish Travellers that they will receive public services, and the legitimate expectations of the rest of the community that the law will be enforced in a balanced and proportionate way. Local authorities and police forces also need to communicate clearly with the public, and in a measured way. Placing undue emphasis on the responsibilities of either Gypsies or Irish Travellers on the one hand, or other residents or groups on the other, without upholding their corresponding rights, will only lead to mistrust and frustration, and damage community relations. So will sending out mixed messages. Gypsies' and Irish Travellers' representatives have an important mediatory role to play here, by working positively with service providers, and representing Gypsies and Irish Travellers fairly and firmly in their dealings with the wider public.

Government also has a role to play in this context. It is important that, in areas of work that affect Gypsies and Irish Travellers, including work to tackle social deprivation, to promote community cohesion and, as currently in Wales, to promote social inclusion, Gypsies' and Irish Travellers' circumstances and interests are recognised and resourced in the same way as for other groups.

8.3.6 Evidence base

Gypsies and Irish Travellers should be included as separate categories in the census, and in future data collection exercises by local authorities across all service areas, and all data collection by police forces. Gypsies and Irish Travellers should be encouraged to acknowledge their ethnicity, using the examples of good practice recommended by the Department for Education and Skills. Information should be routinely and systematically collated at local, district and regional levels, and used, along with consultations and evidence of good or poor community relations, to inform race equality impact assessments.

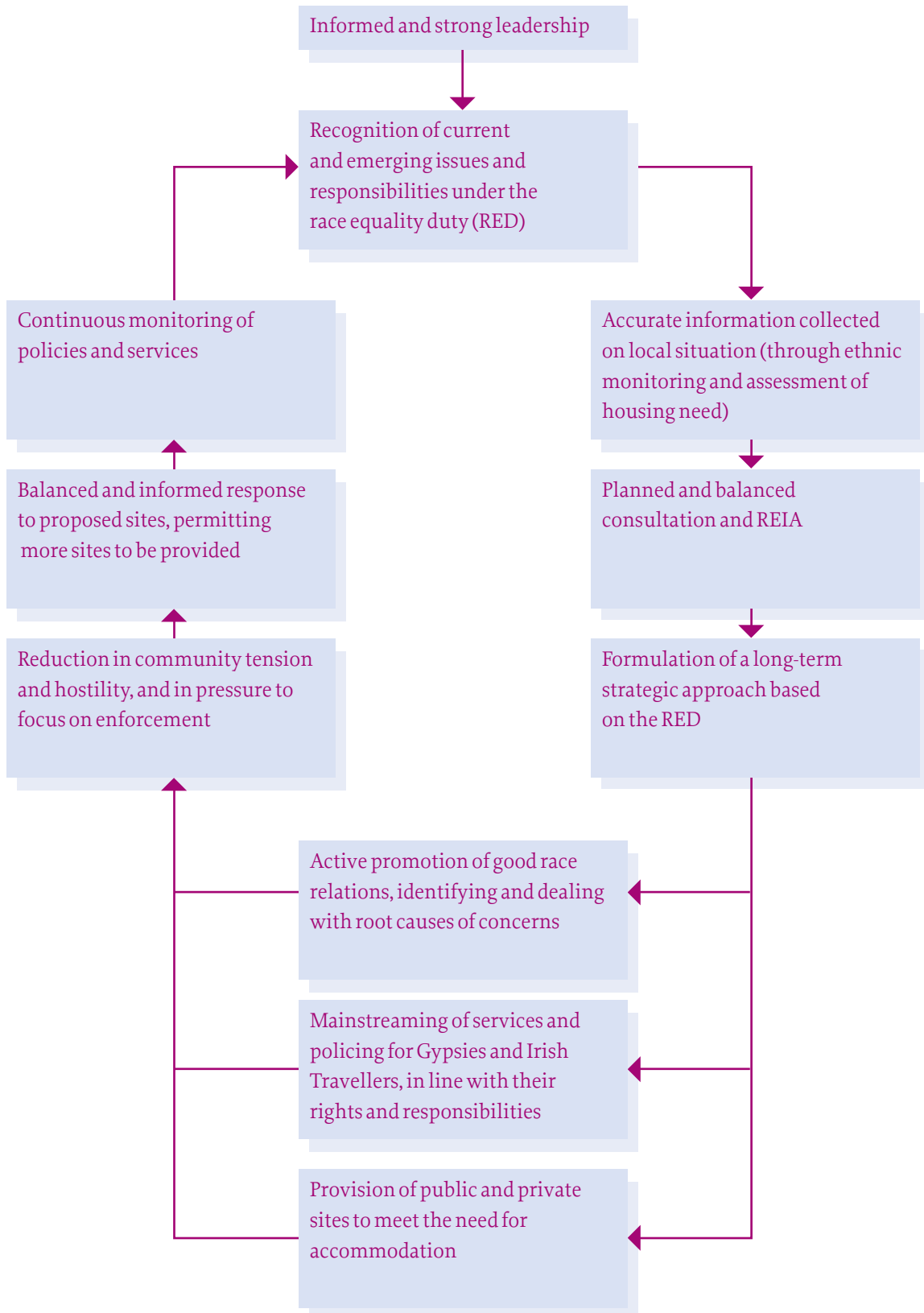
8.3.7 The duty to promote race equality and good race relations

The task of building lasting relationships in a well-integrated community, where everyone has a decent home and there is parity in health and education, is much easier if local authorities can ensure equality of opportunity and fair outcomes for all racial groups, and encourage civic participation and social interaction. The duty to promote race equality and good race relations provides the foundation for good governance, by ensuring that authorities consult on their policy proposals, consider their likely effects in advance, and monitor their operation in practice. It gives local authorities the opportunity to break the vicious circle of prejudice, resentment, fear and mismanagement that has accompanied Gypsies and Irish Travellers wherever they go, and create a virtuous circle based on civic responsibility, mutual understanding and equality between all members of a community (*see figure 14*).

Local authorities that fail to develop policies openly and through full consultation, and monitor their effects in line with the duty to promote race equality and good race relations lay themselves open to the risk of legal challenge. The fact that there are only a small number of Gypsies and Irish Travellers in a particular area does not absolve the authority of its legal responsibility to work towards equality of opportunity for them, and to promote good relations between them and the rest of the community.

Lack of resources or specialist skills in the authority is no excuse for failing to make progress. The CRE has produced extensive guidance for public authorities on how to meet the duty to promote race equality and good race relations, and given many examples of good practice. It cannot itself solve the problem of inadequate knowledge and skills in some authorities, though local authority associations and the IDeA can certainly help. However, the CRE does have a role to play in monitoring progress in meeting the duty to promote race equality and good race relations in this area, and taking enforcement action, if necessary.

Figure 14: A virtuous circle



The arrangements that authorities have to make under the duty to promote race equality and good race relations are not, however, an end in themselves. They are a means to ensure that race equality and good race relations are central to the development of policies and services and their operation in practice. Race equality and good race relations are what local authorities should be looking for in planning, housing, education and the other services they provide, as well as in civic participation. It will be the responsibility of the relevant regulatory authorities, including the CRE, to monitor their progress towards this goal.

8.4 Recommendations

A list of all recommendations in the report can be found at appendix 1.

The government should:

- Develop a realistic but ambitious timetable for local authorities to identify land for sites, and where necessary establish them, and make sure it is met. Local planning authorities should also be required to include reports on the progress they have made in identifying sites in their annual monitoring reports on their local development frameworks.
- Require regional housing boards and regional planning bodies (and any merged bodies) to make the promotion of race equality and good race relations integral to their work on allocating land for Gypsy sites. This should include their work with individual local authorities on developing housing strategies, and finding land for sites, and their consideration of funding bids for Gypsy sites.
- Develop key performance indicators for public sites, which set standards for quality and management of a site that are comparable to those for conventional accommodation.
- Produce up-to-date guidance for local authorities on designing and managing sites for Gypsies and Irish Travellers.
- Consider developing a national framework for encouraging and supporting local authorities and mainstream voluntary organisations to take the initiative in promoting social integration and civic participation, including strategies for preventing and resolving conflict.
- Fund the development of a toolkit for resolving conflict, for use by local authorities in relation to sites, pilot the toolkit and distribute it to local authorities.
- Require police forces to collect information on Gypsies and Irish Travellers, as two separate ethnic categories.

- Ensure that, in areas of work that affect Gypsies and Irish Travellers, including work to tackle social deprivation and to promote community cohesion, issues concerning Gypsies and Irish Travellers are recognised and resourced in the same way as for other groups.

Government offices for the regions should:

- Ensure, on behalf of the secretary of state, that regional spatial strategies and local development frameworks take proper account of the need to provide accommodation, and that local authorities provide or facilitate suitable sites, and work with upper tier authorities to coordinate provision across regions.

Local authorities should:

- Encourage dialogue and positive interaction between Gypsies and Irish Travellers and other groups, through effective engagement with leaders and members of all communities.
- Actively promote better public understanding of Gypsies and Irish Travellers, and the consequences of unmet need for sites; and take steps to counter stereotypes in the media and in public perceptions.
- Encourage and support mainstream voluntary organisations to build bridges between Gypsies and Irish Travellers and other members of the public.

Parish and community councils should:

- Make sure councillors represent all groups in their local community, and are aware of the statutory duty to promote race equality and good race relations, and its practical implications in relation to Gypsies and Irish Travellers.

The Audit Commission should:

- Include consideration of Gypsies and Irish Travellers in all relevant aspects of its audit and inspection work, including comprehensive performance assessments, paying particular attention to questions of leadership, training, provision and management of services, and local authorities' relative expenditure on providing and managing legal sites and on enforcement.

Her Majesty's Inspectorate of Constabulary should:

- Include Gypsies and Irish Travellers in all relevant inspections of police performance.

The Local Government Association and the Welsh Local Government Association should:

- Consider the supplementary guidance local authorities may need on providing sites (and on enforcement), with special attention to their effects on community relations.
- Identify and develop strategies to meet training needs in local authorities arising from the new national policy framework on providing sites, and from the statutory duty to promote race equality and good race relations, including training about Gypsies and Irish Travellers.

The Improvement and Development Agency or the Audit Commission should:

- Develop a library of local performance indicators on the provision and management of sites, for use as benchmarks of good practice by local authorities.

The National Association of Local Councils and One Voice Wales should:

- Raise awareness among parish and community councils of their statutory duty to promote race equality and good race relations in relation to Gypsies and Irish Travellers, and support and advise them.

The Housing Corporation should:

- Require all housing associations to include Gypsies and Irish Travellers in ethnic monitoring systems, and make sure all front line staff are able to provide services that are sensitive to Gypsies' and Irish Travellers' cultural needs.

Registered social landlords should:

- Make use of new opportunities for developing and managing Gypsy sites, learning from the experiences of local authorities, and drawing on available good practice.

The National Council for Voluntary Organisations should:

- Include Gypsies and Irish Travellers in relevant work programmes and training, and encourage mainstream voluntary organisations to involve members of these groups in their work.

Independent funding bodies should:

- Consider the importance of including Gypsies and Irish Travellers in initiatives to promote equality and social integration when allocating funds to voluntary and community organisations.

Voluntary organisations should:

- Make Gypsies and Irish Travellers part of their mainstream work, nationally and locally.

Gypsy and Irish Traveller representatives should:

- Engage with mainstream voluntary organisations to explore ways of increasing social interaction and participation.
- Consider further ways of entering into constructive dialogue with local authorities, to make sure Gypsies' and Irish Travellers' needs are understood and met, and to demonstrate their commitment to participation.

Appendix 1

List of all recommendations

Governmental organisations

The government should:

1. Develop a realistic but ambitious timetable for local authorities to identify land for sites, and where necessary establish them, and make sure it is met. Local planning authorities should also be required to include reports on the progress they have made in identifying sites in their annual monitoring reports on their local development frameworks.
2. Require regional housing boards and regional planning bodies (and any merged bodies) to make the promotion of race equality and good race relations integral to their work on allocating land for Gypsy sites. This should include their work with individual local authorities on developing housing strategies, and finding land for sites, and their consideration of funding bids for Gypsy sites.
3. Develop key performance indicators for public sites, which set standards for quality and management that are comparable to those for conventional accommodation.
4. Produce up-to-date guidance for local authorities on designing and managing sites for Gypsies and Irish Travellers.
5. Consider developing a national framework for encouraging and supporting local authorities and mainstream voluntary organisations to take the initiative in promoting social integration and civic participation, including strategies for preventing and resolving conflict.
6. Fund the development of a toolkit for resolving conflict, for use by local authorities in relation to sites, pilot the toolkit and distribute it to local authorities.
7. Require local authorities to monitor and provide data on planning applications, outcomes and enforcement, and on housing and homelessness, by racial group, using two separate categories for Gypsies and Irish Travellers.

8. Require police forces to collect information on Gypsies and Irish Travellers, as two separate ethnic categories.
9. Issue guidance for local authorities on developing homelessness strategies that consider Gypsies' and Irish Travellers' needs for accommodation, advice and support.
10. Ensure that, in areas of work that affect Gypsies and Irish Travellers, including work to tackle social deprivation and to promote community cohesion, issues concerning Gypsies and Irish Travellers are recognised and resourced in the same way as for other groups.

Government offices for the regions should:

11. Ensure, on behalf of the secretary of state, that regional spatial strategies and local development frameworks take proper account of the need to provide accommodation, and that local authorities provide or facilitate suitable sites, and work with upper tier authorities to coordinate provision across regions.

Local authorities should:

Leadership, strategy and practice

12. Develop a holistic corporate vision for all work on Gypsies and Irish Travellers, and anchor it within the community strategy, the local development framework and any other relevant strategy, including the race equality scheme.
13. Review all policies on accommodation for Gypsies and Irish Travellers, to ensure a long-term, coordinated and strategic approach that promotes race equality and good race relations. This should include policy on planning and providing sites, managing authorised and unauthorised encampments and conventional housing, and be supported by data collection and consultation with local communities. Strategy on accommodation should be linked to wider service areas, such as health and education, and to a communications strategy.
14. Review which department should have primary responsibility for sites and related services; make sure corporate arrangements give the same attention to sites as to other types of accommodation; and facilitate links with other relevant departments. Make sure the choice of department does not send out negative messages to the public about how the local authority sees this work (that is, as part of its responsibility for providing accommodation, rather than dealing with anti-social behaviour).
15. Designate a councillor at cabinet (or equivalent) level, and an officer at no less than assistant director level, to coordinate the authority's work on sites (authorised and unauthorised), to make sure it is consistent across departments, and is linked to its work on equality.

16. Develop a robust performance management system for all aspects of services for Gypsy sites, within a wider accommodation framework, including providing and managing sites, and managing unauthorised encampments. Include these functions in internal reviews of services.
17. Require monitoring officers to advise all councillors of the authority's statutory duty to promote race equality and good race relations.
18. Consider on an ongoing basis whether decisions, actions or omissions by officers, councillors and committees affecting Gypsies and Irish Travellers meet the duty to promote race equality and good race relations.
19. Emphasise that the code of conduct for councillors applies to their work in relation to all racial groups, including Gypsies and Irish Travellers, and make sure that any actual or potential breaches of the code reported by the authority's monitoring officer are fully investigated by the standards committee, or another appropriate formal mechanism.

The duty to promote race equality and good race relations

20. Explicitly include Gypsies and Irish Travellers in their race equality scheme, and in all their arrangements for putting it into effect; including councillor portfolio responsibilities, internal working groups, arrangements for consultation, race equality impact assessment, monitoring and publishing the results, training, and information about the authority and its services.
21. Add two separate categories for Gypsies and Irish Travellers in all ethnic monitoring arrangements, and take steps to encourage them to provide information about their ethnicity.
22. Make sure the duty to promote race equality and good race relations, and issues relating to Gypsies and Irish Travellers, are written into all partnerships with the police, and providers of education and health services, and into all relevant procurement arrangements, including those with external trainers, site managers and bailiffs.
23. Include Gypsies and Irish Travellers in all corporate consultation exercises, especially those on questions of long-term, strategic importance; encourage these groups to take part; and adapt the authority's methods of consultation to their particular needs.
24. Build relations with Gypsies and Irish Travellers in areas where there is no contact with them at present, and make sure their interests and needs, including the need for training in leadership and community advocacy, are reflected in the criteria for grants to mainstream and specialised voluntary and community organisations.

25. Make sure all interested parties (including Gypsies and Irish Travellers) are fully consulted on all policies and decisions about Gypsy sites, so that any concerns or misunderstandings can be dealt with.
26. Assess and monitor the impact of all policies on access to services and outcomes for Gypsies and Irish Travellers, and on relations between these and other groups, in line with the statutory duty to promote race equality.
27. Make sure all officers, including planning, housing and equality officers, are trained to meet the statutory race equality duty; are aware of the full range of ethnic groups in the local population, including Gypsies and Irish Travellers; and understand that services should be designed to accommodate the needs of different ethnic groups. This should be included in staff assessment systems, such as competency frameworks.

Public sites

28. Conduct a reliable and full assessment of the need for residential and transit sites (as required by the Housing Act 2004), by making sure that questionnaires take account of Gypsies' and Irish Travellers' cultural traditions, and that staff responsible for the assessment have been trained to understand the needs of these groups, both on sites (including private and public sites, and unauthorised encampments) and in housing.
29. Put arrangements for long-term, 'tolerated' unauthorised encampments on a formal basis, to make sure their occupants have secure accommodation, and to promote good race relations.
30. Review the quality of sites, and arrangements for managing them (including allocation policies, repairs services and the costs of utilities), to ensure that they are providing essential services, and at standards comparable to those in conventional social housing.
31. Develop sufficient residential and transit sites, selecting locations that will facilitate interaction between Gypsies and Irish Travellers and others in the local community.
32. Consult everyone concerned at the earliest stage of developing a site, and make sure all stages of consultation on unauthorised encampments, and proposed public and private sites, allow Gypsies and Irish Travellers, as well as other members of the public, to take full part, are effectively chaired, and contribute to good relations between different groups.
33. Assess the possible consequences that proposals to sell land that might be suitable for sites, or to close sites, or to reduce pitch capacity, or to relocate sites might have on services for Gypsies and Irish Travellers, and on race relations.

34. Develop formal policies on pitch allocations for all new sites, similar to those for conventional housing, and draw up a reasonable timetable for extending the policies to existing sites.
35. Make sure job descriptions for managers of public sites, whether employed directly or by other organisations, have the skills and resources to do their job effectively, and to promote good race relations.
36. Include and monitor race equality and race relations requirements at each stage of the procurement process for contracts with external organisations to manage sites, and introduce a regular system for reporting on shortcomings and progress.

Planning

37. Refer to Gypsies and Irish Travellers in the statement of community involvement (which explains how all groups will be consulted on planning policy), and take practical steps to get them meaningfully involved, where possible building on existing relationships.
38. Make sure that sustainability appraisals (*see appendix 8*) of all new or revised local development documents containing policies relevant to providing Gypsy sites are accompanied by a race equality impact assessment.
39. Give specific advice to Gypsies and Irish Travellers, at an early stage, on the most suitable land for residential use, and on how to prepare applications, and help them to find the information they need to support their application.
40. Develop an internal policy on how to handle racist representations, and make sure officers know how to use it, so that only material considerations relating to the application are presented to members of the planning committee.
41. Identify and report on actions by local groups or individuals in response to plans for Gypsy sites that may constitute unlawful pressure (*see appendix 8*) on the authority to discriminate against Gypsies and Irish Travellers; where necessary, local authorities should make clear to the group or individual that their conduct may be unlawful, and refer the matter to the CRE.
42. Review their systems for collecting information to support applications for Gypsy sites, in order to improve service outcomes, reduce the likelihood of planning decisions being overturned on appeal and build the confidence of applicants; this should focus on gathering information in a systematic way, and ensuring the protection of sensitive personal information.

43. On appeal, disclose to the planning inspectorate how they have met the duty to promote race equality and good race relations in the course of developing and implementing their planning policy on Gypsy sites, and in deciding on the application in question.
44. Monitor all planning applications and instances of enforcement action at every stage, by type and racial group, including Gypsies and Irish Travellers, as two separate categories, in order to assess the effects of policies and practices on different racial groups.
45. Consider using the overview and scrutiny committee, or any other suitable formal mechanism, to assess the effects on race equality and race relations of any major decision to enforce planning requirements on Gypsy sites.
46. Communicate clearly with the public about planning policy for site applications and planning enforcement, to build understanding and promote good race relations, and engage with local community leaders to help disseminate this information.

Unauthorised encampments

47. Review and monitor policies for dealing with unauthorised encampments, to make sure they promote access to services for occupants, and good race relations between them and other groups; in doing this authorities should focus in particular on providing basic facilities, assessing welfare needs and communicating effectively with the public.
48. Review the way policy is put into practice, to make sure organisations and individuals take a consistent approach, resources are used effectively and strategically, all procedures are formalised and training needs are identified.
49. Make sure the duty to promote race equality and good race relations is built into any contracts for managing, or evicting from, unauthorised encampments; and that contractors are given clear guidance on how this might affect their policy and practice, and monitored on their compliance with the guidance.

Housing

50. Conduct research to identify the numbers and needs of Gypsies and Irish Travellers in conventional housing, and explicitly include these groups in relevant housing policy (including housing, homelessness and supporting people strategies), with links to site-related services.
51. Formally record, investigate and monitor all reported incidents of racial harassment made by Gypsies and Irish Travellers in conventional housing, take steps to encourage reporting and develop targeted preventive strategies.

Promoting good race relations and integrated communities

52. Encourage dialogue and positive interaction between Gypsies and Irish Travellers and other groups, through effective engagement with leaders and members of all communities.
53. Actively promote better public understanding of Gypsies and Irish Travellers, and the consequences of unmet need for sites; and take steps to counter stereotypes in the media and in public perceptions.
54. Encourage and support mainstream voluntary organisations to build bridges between Gypsies and Irish Travellers and other members of the public.

Police forces should:

55. Include Gypsies and Irish Travellers in mainstream neighbourhood policing strategies, to promote race equality and good race relations.
56. Target individual Gypsies and Irish Travellers suspected of anti-social behaviour and crime on public, private and unauthorised sites, and not whole communities, and work with people from these groups and local authorities to develop preventive measures.
57. Treat Gypsies and Irish Travellers, both when they are victims and suspects, as members of the local community, and in ways that strengthen their trust and confidence in the force.
58. Provide training for all relevant officers on Gypsies' and Irish Travellers' service needs, so that officers are able to do their jobs more effectively, and promote good relations between all groups in the community they serve.
59. Review formal and informal procedures for policing unauthorised encampments, to identify and eliminate potentially discriminatory practices, and ensure that the procedures promote race equality and good race relations. (See also recommendations in chapter 4.)
60. Review the way policy is put into practice, to make sure organisations and individuals take a consistent approach, resources are used effectively and strategically, all procedures are formalised, and training needs are identified.

Parish and community councils should:

61. Make sure councillors represent all groups in their local community, and are aware of the statutory duty to promote race equality and good race relations, and its practical implications in relation to Gypsies and Irish Travellers.

Inspectorates

The Audit Commission should:

62. Include consideration of Gypsies and Irish Travellers in all relevant aspects of its audit and inspection work, including comprehensive performance assessments, paying particular attention to questions of leadership, training, provision and management of services, and local authorities' relative expenditure on providing and managing legal sites and on enforcement.

The Audit Commission (or Improvement and Development Agency) should:

63. Develop a library of local performance indicators on the provision and management of sites, for use as benchmarks of good practice by local authorities.

The planning inspectorate should:

64. Take into account, when making decisions on Gypsy site planning appeals, whether there has been a material breach of the RRA by the local authority in exercising its planning functions (including both the discrimination provisions of the law and the duty to promote race equality and good race relations).

Her Majesty's Inspectorate of Constabulary should:

65. Include Gypsies and Irish Travellers in all relevant inspections of police performance.

Other organisations

The Local Government Association and the Welsh Local Government Association should:

66. Consider the supplementary guidance local authorities may need on providing sites (and on enforcement), with special attention to their effects on community relations.
67. Identify and develop strategies to meet training needs in local authorities arising from the new national policy framework on providing sites, and from the statutory duty to promote race equality and good race relations, including training about Gypsies and Irish Travellers.

The Association of Chief Police Officers should:

68. Identify and publicise good practice in dealing with crimes against Gypsies and Irish Travellers, and crime and anti-social behaviour on all sites, and in managing unauthorised encampments in a way that promotes race equality and good race relations, drawing on any good practice developed with other ethnic minority groups.

The Royal Town Planning Institute should:

69. Make race equality and planning for Gypsy sites a specific part of the continuing professional development programme for all planning officers.
70. Supplement its guidance on 'racist representations' with specific advice on handling applications for Gypsy sites.

The Improvement and Development Agency should:

71. Develop, within existing modules of its leadership academy programme for councillors, a specific strand on political leadership, achieving cross-party consensus, and engaging with local communities in the context of Gypsy sites.
72. Develop job-specific training for local government officers on Gypsies' and Irish Travellers' interests and needs, including an understanding of how the duty to promote race equality and good race relations applies to these groups.

The Improvement and Development Agency (or Audit Commission) should:

73. Develop a library of local performance indicators on the provision and management of sites, for use as benchmarks of good practice by local authorities.

The National Association of Local Councils and One Voice Wales should:

74. Raise awareness among parish and community councils of their statutory duty to promote race equality and good race relations in relation to Gypsies and Irish Travellers, and support and advise them.

The Housing Corporation should:

75. Require all housing associations to include Gypsies and Irish Travellers in ethnic monitoring systems, and make sure all front line staff are able to provide services that are sensitive to Gypsies' and Irish Travellers' cultural needs.

76. Support and monitor the performance of registered social landlords in developing and managing Gypsy sites, and encourage them to do so in a sustainable way that fosters opportunities for interaction and promotes good race relations.

The Chartered Institute of Housing should:

77. Include material about Gypsies and Irish Travellers and race equality in its training package for member organisations.
78. Consider issuing guidance on good practice on Gypsies and Irish Travellers and conventional housing.

The National Housing Federation should:

79. Include Gypsies and Irish Travellers in guidance on conducting race equality reviews of services, and advise member organisations to include Gypsies and Irish Travellers in their ethnic monitoring systems.

Registered social landlords should:

80. Make use of new opportunities for developing and managing Gypsy sites, learning from the experiences of local authorities, and drawing on available good practice.

The voluntary sector

Independent funding bodies should:

81. Consider the importance of including Gypsies and Irish Travellers in initiatives to promote equality and social integration when allocating funds to voluntary and community organisations.

The National Council for Voluntary Organisations should:

82. Include Gypsies and Irish Travellers in relevant work programmes and training, and encourage mainstream voluntary organisations to involve members of these groups in their work.

Voluntary organisations should:

83. Make Gypsies and Irish Travellers part of their mainstream work, nationally and locally.

Voluntary organisations working with Gypsies and Irish Travellers should:

84. Encourage Gypsies and Irish Travellers to register to vote, and to exercise their voting rights.

Gypsy and Irish Traveller representatives should:

85. Engage with mainstream voluntary organisations to explore ways of increasing social interaction and participation.
86. Consider further ways of entering into constructive dialogue with local authorities, to make sure Gypsies' and Irish Travellers' needs are understood and met, and to demonstrate their commitment to participation.

Appendix 2

Call for evidence

| England and Wales | | |
|---|------------|---|
| Gypsies and Irish Travellers | 75 | |
| Individuals | 64 | |
| Gypsy and Traveller support groups | 27 | |
| Education groups | 19 | Including the Advisory Council for the Education of Romanies and Travellers, youth groups, and colleges |
| Local authorities | 82 | Including councillors, planning officers, Gypsy Traveller liaison officers, Traveller Education Services (TES) officers and other officers |
| Parish councils (community councils in Wales) | 17 | |
| Other organisations | 38 | Including NHS services, non-governmental organisations, development agencies, housing associations, law firms and registered social landlords |
| Police forces | 23 | |
| Reports | 7 | |
| Publications and miscellaneous | 51 | |
| Total | 403 | |

Wales within this count

| | |
|------------------------------|---|
| Gypsies and Irish Travellers | 1 |
|------------------------------|---|

| | |
|-------------|---|
| Individuals | 1 |
|-------------|---|

| | |
|-------------------|---|
| Local authorities | 4 |
|-------------------|---|

| | |
|---------------------|---|
| Other organisations | 3 |
|---------------------|---|

| | |
|---------------|---|
| Police forces | 2 |
|---------------|---|

| | |
|---------|---|
| Reports | 1 |
|---------|---|

| | |
|--------------|-----------|
| Total | 12 |
|--------------|-----------|

Appendix 3

Documents requested from the nine case study authorities

District and unitary councils

Key documents

Race equality scheme
 Community strategy
 Homelessness strategy
 Housing strategy
 Ethnic minority housing strategy (if applicable)
 Housing policies in the development plan
 Development plan, Gypsy site policy and emerging policies
 Other Gypsy site provision policy (for example, produced by a policy task force or liaison group)
 Unauthorised encampments policy
 Site management policy
 Policy on dealing with racist representations
 Community safety policy
 Operational guidance on any of the above
 Copies of relevant impact assessments and consultations
 Pro forma for equality impact assessments
 Guidance on consultation

Other documents

Gypsy and Traveller accommodation needs assessment
 Standard Gypsy site licences or tenancy agreements
 Standard council house tenancy agreements (or registered social landlord)
 Minutes of relevant meetings with police (where Gypsy and Traveller issues have been discussed since 2001)
 Monitoring/liason/working party minutes (where Gypsy and Traveller issues have been discussed since 2001)

Terms of reference for multi-agency partnerships and forums

Training notes in relation to amended Race Relations Act and any specific training on Gypsies and Travellers for staff and council members

Leaflets produced for public and council publications – information leaflet

Relevant press releases and press cuttings

In relation to bailiffs and site managers: contract conditions/specifications/monitoring; terms on which previously retained

Details of complaints procedure

A summary of the number and nature of complaints about or from Gypsies and Irish Travellers, and/or sites, lodged with the local government ombudsman and/or the Standards Board.

Standard non-Gypsy site licence (if applicable)

A brief outline of all litigation relating to Gypsies and Irish Travellers since 2001 stating: (i) date proceedings/appeal began; (ii) nature of case; (iii) forum where proceedings took place; (iv) date of final hearing; and (v) actual outcome

Minutes of meetings for the committee responsible for race equality

Other documents not previously requested

Minutes of meetings for any officer group responsible for race equality and/or implementation of the race equality scheme

A copy of the local code of conduct for members (if applicable)

A copy of the current forward plan

A copy of the business plan and corresponding departmental plans

A copy of the 'best value' performance plan

Copies of any briefing notes relevant to race equality/Gypsies and Travellers provided to members, and the corporate or departmental management team

Structure chart (members)

Structure chart (senior management team)

Structure chart (departmental management team)

County Councils (where relevant)

Key documents

Race equality scheme

Community strategy

Development plan, Gypsy site policy and emerging policies

Other Gypsy site provision policy (for example, produced by a policy task force or liaison group)

Unauthorised encampments policy

Site management policy

Operational guidance on any of the above

Copies of relevant impact assessments and consultations
Pro forma for equality impact assessments
Guidance on consultation
Other documents
Standard Gypsy site licenses
Minutes of relevant meetings with the police (where Gypsy and Traveller issues have been discussed since 2001)
Monitoring/liaison/working party minutes (where Gypsy and Traveller issues have been discussed since 2001)
Terms of reference for multi-agency partnerships and forums
Training notes on the amended Race Relations Act and any specific training on Gypsies and Travellers for staff and council members
Leaflets produced for public and council publications – information leaflet
Relevant press releases and/or press cuttings
In relation to bailiffs and site managers: contract conditions/specifications/monitoring; terms on which previously retained
Details of complaints procedure
Copies of relevant complaints lodged with the local government ombudsman and/or the Standards Board
Standard non-Gypsy site licence (if applicable)
A brief outline of all litigation relating to Gypsies and Irish Travellers since 2001 stating: (i) date proceedings/appeal began; (ii) nature of case; (iii) forum where the proceedings took place; (iv) date of final hearing; and (v) actual outcome

Appendix 4

Best value performance indicators

BV2a. The level (if any) of the Equality Standard for Local Government to which the authority conforms.

BV2b. The duty to promote race equality.

Target setting: Local.

Scope: Metropolitan authorities, London boroughs, unitary authorities, county councils, district councils, Council of the Isles of Scilly, Common Council of the City of London, Greater London Authority, passenger transport authorities, Transport for London, London Development Agency, and fire authorities in England and Wales

BV2a. The level (if any) of the Equality Standard for Local Government to which the authority conforms

Levels are defined in The Equality Standard for Local Government, jointly produced by the Employers Organisation, the Equal Opportunities Commission, the Disability Rights Commission and the Commission for Racial Equality. An audit toolkit has also been produced, explaining how local authorities should audit their performance against the Standard (www.lg-employers.gov.uk). The level reported for the authority can be no higher than for any department of the authority or for any of the four areas covered by the Standard: Leadership and Corporate Commitment; Consultation and Community Development and Scrutiny; Service Delivery and Customer Care; and Employment and Training. Broadly, the levels correspond to the achievements described below.

- Level 1: The authority has adopted a comprehensive equality policy, including commitments to develop equality objectives and targets, to consultation and impact assessment, monitoring, audit and scrutiny.
- Level 2: The authority has engaged in an impact and needs assessment, a consultation process and an equality action planning process for employment and service delivery.

- Level 3: The authority has completed the equality action planning process, set objectives and targets and established information and monitoring systems to assess progress.
- Level 4: The authority has developed information and monitoring systems that enable it to assess progress towards achieving specific targets.
- Level 5: The authority has achieved targets, reviewed them and set new targets. The authority is seen as exemplary for its equality programme.

To report these levels, an authority must have adopted the Equality Standard for Local Government. If the authority has not adopted the Equality Standard it should report accordingly that, 'This council has not adopted the Equality Standard for Local Government.'

BV2b. The duty to promote race equality

- I. Does the authority have a race equality scheme (RES)?

Does the RES:

- a. list the functions and policies that are relevant to the general duty?
- b. consist of a strategy, which addresses the general duty and each of the specific duties?
- c. contain clear priorities, targets and outcomes, in order to fulfil the general and specific duties?

Is the RES:

- d. supported by a timetabled, three-year action plan?
 - e. clearly integrated in all corporate and service level plans and strategies?
 - f. clearly integrated in procurement and partnership strategies and policies and best value reviews?
 - g. actively communicated to members of the public and to staff?
 - h. reviewed regularly by the authority?
 - i. owned by council members and senior officers, who share responsibility for ensuring outcomes are met, and are involved in reviews of the scheme?
2. Are there continuing improvements for race equality from application of the RES?

Is there evidence of measurable improvements in respect of:

- j. the representation in the workforce at all levels of the range of ethnic groups in the local area and relevant labour markets?
- k. improving staff perceptions of equal opportunities for all ethnic groups, and reducing any differences?
- l. widening the ethnic profile of service users, having regard to need and relative to the local population?
- m. improving satisfaction rates among service users of all ethnic groups, and reducing any differences?
- n. reducing number of complaints from service users of all ethnic groups, and reducing any differences?
- o. providing services that meet the needs of all ethnic groups in the communities the authority serves?
- p. improving service outcomes for all ethnic groups, and reducing any differences?
- q. increasing confidence in reporting racial incidents?
- r. increasing satisfaction in the way racial incidents resulting in further action are handled?

Appendix 5

Ethnic categories

You should collect and analyse ethnic data in as much detail as possible. Using only broad or 'headline' categories from the census can hide important differences between groups; for example, using only 'Asian or Asian British' rather than 'Indian' 'Pakistani' and 'Bangladeshi' as sub-categories.

You should also adapt your ethnic classification system to your particular circumstances, where necessary adding further sub-categories outside the 16 categories used in the 2001 census for England and Wales, to capture specific information about the particular ethnic groups you serve. For example, Gypsies and Irish Travellers would be two distinct sub-groups of 'White Other'. You can then combine data for these sub-groups with the data for the main census group, to compare the categories used in census output data.

For the sake of consistency, CRE recommends that all organisations use the same two-category headings for these groups that schools now use – Roma/Gypsy and Traveller of Irish Heritage.

The categories shown below were used in the 2001 census for England and Wales.

Ethnic monitoring categories for England and Wales

Census question

What is your ethnic group?

Choose ONE section from A to E, then tick the appropriate box to indicate your cultural background.

A White

British

Irish

Any other White background, please write in _____

B Mixed

White and Black Caribbean

White and Black African

White and Asian

Any other Mixed background, please write in _____

C Asian or Asian British

Indian

Pakistani

Bangladeshi

Any other Asian background, please write in _____

D Black or Black British

Caribbean

African

Any other Black background, please write in _____

E Chinese or other ethnic group

Chinese

Any other, please write in _____

Alternative, expanded question**What is your ethnic group?**

Choose ONE section from A to E, then tick the appropriate box to indicate your cultural background.

A White

British

English

Scottish

Welsh

Other, please write in _____

Irish

Any other White background, please write in _____

B Mixed

White and Black Caribbean

White and Black African

White and Asian

Any other Mixed background, please write in _____

C Asian, Asian British, Asian English, Asian Scottish, or Asian Welsh

Indian

Pakistani

Bangladeshi

Any other Asian background, please write in _____

D Black, Black British, Black English, Black Scottish, or Black Welsh

Caribbean

African

Any other Black background, please write in _____

E Chinese, Chinese British, Chinese English, Chinese Scottish, Chinese Welsh, or other ethnic group

Chinese

Any other background, please write in _____

Appendix 6

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Appendix 7

List of organisations

Organisations supporting Gypsies and Travellers and specialist officers

Emma Nuttall
 Advice and Information Unit Manager
Friends, Families and Travellers
 Community Base
 113 Queens Road
 Brighton BN1 3XG
 Tel: 01273 234 777
 fft@communitybase.org
 www.gypsy-traveller.org

Irish Traveller Movement in Britain

Banderway House
 156 – 162 Kilburn High Road
 London, NW6 4JD
 Tel: 020 7625 2255
 info@irishtraveller.org.uk
 www.itmtrav.com

Cliff Codona
 Chairman
National Travellers Action Group
 7 Woodside Park
 Hatch Road
 Sandy
 Bedfordshire SG19 1PT
 Tel: 01767 689 736
 Codona@aol.com

Ann Bagehot
 Secretary
The Gypsy Council for Health, Education and Welfare
 European and UK Office
 8 Hall Road
 Aveley
 Essex RM15 4HD
 Tel/Fax: 01708 868 986
 Enquiries@thegypsycouncil.org
 www.thegypsycouncil.org

Hughie Smith
The Gypsy Council
 Spring Lane Caravan Park
 Bickerton
 Wetherby
 North Yorkshire LS22 5ND
 Tel: 01937 842 782

The Travellers' Advice Team
 0845 120 2980

Rachel Francis
UK Association of Gypsy Women (UKAGW)
 PO Box 63
 Darlington DL1 9AH.
 Tel. South office: 01268 782792 / North office: 01325 240033

Joanne Davis
 Secretary
National Association of Health Workers with Travellers
 Balsall Heath Health Centre
 43 Edward Road
 Balsall Heath
 Birmingham B12 9LB
 Tel: 0121 446 2300
www.msfcphva.org/sigs/sigtravellers.html

Ginny Harrison White
 President
National Association of Teachers of Travellers
 Traveller Education Service
 16 Carlyon Road
 ST Austell PL25 4AJ
 Tel: 01726 77113
gharrisonwhite@cornwall.gov.uk
www.natt.org.uk

George Summers
 Secretary
National Association of Gypsy and Traveller Officers
 c/o Hampshire County Council
 The Castle
 Winchester SO23 9DS
www.nagto.co.uk

Other organisations

Association of Chief Police Officers

25 Victoria Street
London SW1H 0EX
Tel: 020 7227 3434
info@acpo.pnn.police.uk
www.acpo.police.uk

Local Government Association

Local Government House
Smith Square
London SW1P 3HZ
Tel: 020 7664 3000
info@lga.gov.uk
www.lga.gov.uk

Welsh Local Government Association

Local Government House
Drake Walk
Cardiff CF10 4LG
Tel: 02920 468 600
www.wlga.gov.uk

National Association of Local Councils

109 Great Russell Street
London WC1B 3LD
Tel: 020 7637 1865
nalc@nalc.gov.uk
www.nalc.gov.uk

One Voice Wales

Unit 5, Betws Business Park
Park Street
Ammanford
Carmarthenshire SA18 2ET
Tel: 01269 595 400
admin@onevoicewales.org.uk
www.onevoicewales.org.uk

Appendix 8

Glossary

| | |
|-----------------------------------|--|
| Adverse impact | A significant difference in patterns of representation or outcomes between racial groups, with the difference amounting to a detriment for one or more racial groups. |
| Advisory group / committee | A panel set up to develop in-house expertise and experience in assessing policy and legislative proposals for their possible effects on race equality. |
| Allocation policy | The set of rules used by a council or registered social landlord (<i>see below</i>) to decide how to give out their accommodation. These rules cover issues such as who can join the waiting list, how the council or RSL decides who gets priority on the waiting list, and transfers and exchanges. |
| Amenity unit/block | A small permanent building on Gypsy sites containing basic plumbing amenities (bath/shower, WC and sink). Some amenity units also include a day room. Amenity units may be grouped together into amenity blocks. |
| Anti-social behaviour strategy | A document produced by every local authority in England and Wales containing an evaluation of the anti-social behaviour problems in the area, together with an action plan of what is going to be done to tackle the relevant issues, a list of the outcomes to be achieved, and the resources, human and financial, that will be allocated. |
| Best value performance indicators | A set of nationally determined indicators to help local authorities measure and manage their performance, in order to provide better and more responsive public services. |
| Best value reviews | An audit to determine whether or not a service is providing continuous improvement and value for money. |
| Conventional housing | Term commonly used in the report to refer to permanent 'bricks and mortar' housing. |
| Caravan | Mobile living vehicles used by Gypsies and other Travellers. Also referred to as trailers. |
| Caravan count | The count, undertaken twice a year by local authorities, provides a snapshot of the number of families and caravans on public, private, authorised and unauthorised sites in England. In Wales, The Gypsy-Traveller caravan count was discontinued in 1997, and has not been replaced. |

| | |
|--------------------------------|--|
| Choice-based lettings | Choice-based lettings are schemes operated by social landlords to increase choice in lettings. Vacant properties are advertised and bids invited from tenants and new housing applicants. Bids are made on the basis of points awarded for housing need, or banding, or length of time spent waiting for re-housing, or a combination of all three, depending on the local housing market. The tenancy is then awarded to the person with the highest bid. |
| Citizen focus | The concept of 'citizen focus' is about improving the way police forces understand, communicate and engage with each person in their local communities, whether as direct users of police services or as members of the wider public. The goal is to consider people's rights as citizens in all aspects of responsive policing, to increase public confidence in, and satisfaction with, the police. |
| Commission for Racial Equality | A non-departmental public body set up under the RRA to work to eliminate unlawful racial discrimination; promote equality of opportunity and good relations between people from different racial groups; and keep under review the working of the RRA and, if necessary, make proposals for amending it. |
| Community strategy | The plans which local authorities are required (by the Local Government Act 2000) to prepare, to improve the economic, environmental and social wellbeing of local areas, and which the authorities are expected to use to coordinate the actions of public, private and voluntary and community organisations in the area. |
| Community cohesion strategy | A document which sets out the authority's approach to creating a common vision, a sense of belonging, and positive relationships between people from different backgrounds in its local community. |
| Consult | To ask for views on policies or services from staff, colleagues, service-users, or the general public. The race equality duty requires public bodies bound by specific duties to make arrangements to consult as part of the race equality impact assessment of proposed policies (<i>see below</i>). |
| Corporate management team | A group of senior managers; in local authorities they usually include the chief executive, departmental directors and some heads of services. |
| Cultural aversion | A psychological aversion experienced by some Gypsies and Irish Travellers to conventional 'bricks and mortar' housing which should be taken into account when assessing applications for accommodation from homeless people (<i>R v Carmarthenshire County Council ex parte Price (2003) EWHC 42 Admin</i>). |
| Direct discrimination | Less favourable treatment of a person on racial grounds compared with the treatment or likely treatment of a person from another racial group in the same or similar circumstances. |

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| Due regard | The weight given to race equality proportionate to its relevance to the three parts of the race equality duty. |
| Enforcement notice | A notice requiring the discontinuance of an unauthorised use and/or the removal of buildings, including restoration of land, where development has commenced without permission or in breach of a condition. |
| Ethnic monitoring categories | The classifications used when collecting information about people's ethnic backgrounds (<i>see also ethnic monitoring</i>). |
| Ethnic group | <p>Defined by the House of Lords as a group that regards itself or is regarded by others as a distinct community by virtue of certain characteristics that will help to distinguish the group from the surrounding community. Two of these characteristics are essential:</p> <ol style="list-style-type: none"> 1. a long shared history, of which the group is conscious as distinguishing it from other groups, and the memory of which it keeps alive; and 2. a cultural tradition of its own, including family and social customs and manners, often but not necessarily associated with religious observance. <p>Other relevant characteristics (one or more of which will commonly be found) are:</p> <ol style="list-style-type: none"> a. either a common geographical origin or descent from a small number of common ancestors; b. a common language, not necessarily peculiar to the group; c. a common literature peculiar to the group; d. a common religion different from that of neighbouring groups or from the general community surrounding it; and e. being a minority or being an oppressed or a dominant group within a larger community. |
| Ethnic minorities | Groups of people, defined by colour, race, nationality or ethnic or national origins, which are not the numerically dominant group in the country or region where they live. The CRE also uses the term to refer to groups defined by religious and/or cultural characteristics, such as Muslims, Rastafarians and others, that may not have formal protection under the Race Relation Act. |
| Ethnic monitoring | The process of collecting, analysing and evaluating information, to measure performance, progress or change with reference to the ethnic backgrounds of people. |

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| Functions | The full range of activities carried out by a public authority to meet its duties. |
| General duty | The duty stated in section 71 (1) of the Race Relations Act 1976. This gives the public authorities listed in a schedule to the Act (1A) a legal responsibility when carrying out their functions to have 'due regard' to the need to eliminate unlawful racial discrimination, and promote equality of opportunity and good relations between persons of different racial groups. |
| Green belt (green barrier in Wales) | A specially designated area of countryside protected from most forms of development, to stop urban sprawl and the coalescence of settlements, preserve the character of existing settlements, and encourage development in already built-up areas. |
| Gypsy and Traveller liaison officer (GTLO) | An officer (usually in a local authority but also found in police forces) whose specific remit is concerned with Gypsies and Travellers. There is a great variation in roles and responsibilities across organisations, but responsibilities can include management of unauthorised encampments and public sites, providing information and support to Gypsy Travellers in accessing public services and liaising with other departments and agencies that have an interest in Gypsies and Travellers. |
| Gypsy site | An area of land laid out and used for Gypsy Traveller caravans. An authorised site will have planning permission (and a site licence, if privately owned) for use as a Gypsy caravan site. An unauthorised site does not have planning permission. |
| Harassment (racial) | Unwanted behaviour that has the purpose or effect of violating a person's dignity or creates a degrading, humiliating, hostile, intimidating or offensive working environment. Harassment on grounds of race or ethnic or national origins is a specific unlawful act under the Race Relations Act 1976. Harassment on other grounds may involve less favourable treatment and may be unlawful direct discrimination. |
| Hate crime | A crime where the perpetrator's prejudice against any identifiable group of people is a factor in determining who is victimised. |
| Homelessness strategy | A document that all local housing authorities must produce to prevent homelessness, ensure that accommodation is and will be available for homeless people or those at risk of homelessness, and provide support to homeless people. |
| Housing/ accommodation assessment of need | An exercise designed to estimate the level of need for housing among households and potential households in an area. |

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| Housing strategy | An overarching document which each local housing authority must produce. The strategy should draw on other supporting strategies, to present a comprehensive picture of local housing need, issues and priorities for action. |
| Housing association | A housing organisation registered with the Housing Corporation, a 'registered social landlord' (<i>see below</i>). |
| Inclusion | Action taken to make sure policy and practice recognises any barriers to equality of opportunity facing certain sections of society, and takes steps to remove them. |
| Indirect discrimination | <p><i>Grounds of race or ethnic or national origins</i> – the use of an apparently nondiscriminatory 'provision, criterion or practice' which puts people from a particular race or ethnic or national origin at a particular disadvantage compared with others, unless it can be shown that the provision, criterion or practice is a proportionate means of achieving a legitimate end.</p> <p><i>All racial grounds (but effectively grounds of colour or nationality)</i> – the use of an apparently non-discriminatory requirement or condition which applies equally to everyone, but can only be met by a considerably smaller proportion of people from a particular racial group, is to the detriment of someone from that group, and cannot be objectively justified.</p> |
| Integration | <p>Integration is achieved when the following essential components of an integrated society are met:</p> <ol style="list-style-type: none"> a. equality – where every member of society has an equal opportunity to access jobs and services without risk of discrimination; b. participation – where each individual can engage in the decisions that directly affect them, and in shaping policies and services; and c. interaction – where different ethnic groups have positive contact with one another, building bridges across communities to develop mutual understanding. |
| Interaction | In the context of integration (<i>see above</i>), this means positive contact between people from different racial groups, and building bridges towards mutual understanding. |
| Irish Travellers | Irish Travellers have a distinct indigenous origin in Ireland, and were legally recognised as an ethnic group in England in 2000. |
| Land protection policy | Document describing measures that may be taken to prevent unauthorised encampments from accessing land. Measures commonly used include the installation of lockable gates and the erection of barriers, earth mounds (bunds) or large rocks at entrance points. |

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| Local connection | One of the criteria used by local authorities in England and Wales to assess whether a person may be considered homeless and entitled to re-housing by the council. Information used to establish local connection includes whether the person (or anyone in his household): has lived in the area, and for how long; has family connections in the area; works in the area; or has a connection with the area for another special reason. |
| Local development framework | A non-statutory term used to describe a folder, containing all the local planning authority's local development documents. |
| Local development plan | A detailed framework for planning policy and proposals for specific sites over a 10-year period consisting of a written statement and a map of the proposed sites. The written statement contains general policies on the use and development of land as well as specific proposals for sites and areas. In particular, it allocates sites to meet the requirement for housing set out in the structure plan. The map identifies the precise areas of land to which the policies and site-specific proposals apply. |
| Local planning authority (LPA) | A local authority or council, often the local borough or district council, that has the legal power to carry out planning functions. National parks and the Broads authority are also considered to be local planning authorities. |
| Mainstreaming/ integrating race equality | The practice of making the duty to promote race equality and good race relations integral to all relevant policies, plans and processes. |
| Mobile home | Legally a 'caravan', but not usually capable of being moved by towing. |
| Monitoring | The process of collecting, analysing and evaluating information in relation to policies and actions to measure performance, progress or change. |
| ODPM refurbishment grant (for England only) | Central government funding for local authorities, to provide, improve and refurbish local authority Gypsy sites. |
| Participation | In the context of integration (<i>see above</i>), this means the engagement of individuals in decisions that directly affect them, including involvement in shaping policies and services. |
| Pitch | Area of land on a Gypsy or Traveller site rented under license to a single resident. Often referred to by Gypsy and Traveller residents as a plot. |

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| Planning injunction | Legal powers available to local planning authorities in England and Wales under section 187B of the Planning and Compensation Act 1991 to apply to the courts to stop an actual or alleged breach of planning control. Injunctions are a discretionary power and the legislation requires an assessment of the likely outcome before commencing proceedings. Failure to comply with an injunction can lead to an unlimited fine and/or imprisonment. |
| Plot | See 'pitch' above. |
| Policies | The sets of principles or criteria that define the different ways in which an organisation carries out its role or functions and meets its duties. Policies also include formal and informal decisions made in the course of their implementation. |
| Practices | The customary ways in which intentions or policies are actually carried out. They include attitudes and behaviour that could amount to unlawful racial discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping. |
| Pressure to discriminate | This refers to actions in breach of section 31 of the Race Relations Act 1976, which makes it unlawful to induce or attempt to induce another person or organisation to discriminate on racial grounds. The pressure may amount to no more than persuasion and need not necessarily involve a benefit or loss. It also does not need to be applied directly; it is unlawful if it is applied in such a way that a person is likely to hear it. Under section 33 of the Race Relations Act, the person or organisation under pressure may also be liable if they do not resist. |
| Private site | Gypsy site situated on land in private ownership. |
| Procurement | The process by which a person enters into a contract with an external supplier to carry out work or provide goods or services. The term encompasses the full range of contracts, including private finance initiative (PFI) projects and public private partnerships (PPPs). It does not include the decision to 'buy' from an external supplier. |
| Public authority | For the purposes of the race equality duty, a body named, defined or described in schedule 1A to the Race Relations Act 1976 or, depending on the context, a body named, defined or described in one of the schedules to the Race Relations Act 1976 (Statutory Duties) Order 2001 or the Race Relations Act 1976 (General Statutory Duty) Order 2003. The term includes all central government departments and their executive agencies and non-departmental governing bodies, all NHS institutions, the governing bodies of schools and of further and higher education institutions, the Scottish Executive and the Welsh Assembly government. |
| Public or local authority site | Gypsy site owned and managed by or on behalf of a local authority. |

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| Racial equality councils | Local organisations, many of which are partly funded by the CRE through grants, that promote racial equality and tackle racial discrimination. |
| Race equality duty | The general duty to promote race equality, including good race relations, and related specific duties, under section 71 (1) of the Race Relations Act 1976. |
| Race equality impact assessment (REIA) | A systematic way of determining whether a proposed policy, in employment or service delivery, affects all racial groups equally, or whether it could have an adverse impact on one or more racial groups. |
| Race equality scheme (RES) | A timetabled plan setting out how a public authority intends to meet the statutory general duty to eliminate unlawful racial discrimination and promote equality of opportunity and good relations between different racial groups. The scheme should list the functions and policies that have been assessed as being relevant to meeting the duty, and state the arrangements that have been made to assess, consult on and monitor present and proposed policies for any implications they might have for promoting race equality. |
| Racial grounds | Grounds of race, colour, nationality (including citizenship), or ethnic or national origins. |
| Race Relations Act (RRA) | The Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000 and the Race Relations Act 1976 (Amendment) Regulations 2003. |
| Racial groups | <p>Racial groups are groups defined by racial grounds, that is race, colour, nationality, (including citizenship), or ethnic or national origins. All racial groups are protected from unlawful racial discrimination under the RRA. Romany Gypsies, Irish Travellers, Jews and Sikhs have been explicitly recognised by the courts as constituting racial groups for the purposes of the RRA.</p> <p>A person may fall into more than one racial group: for example, a 'Nigerian' may be defined by 'race', 'colour', 'ethnic or national origin', and 'nationality'.</p> <p>The courts have held that a person's actual racial group may be irrelevant to the way they are treated, and that their racial group may be defined by a discriminator's perception of, or (incorrect) assumptions about, their ethnic or national origins.</p> |
| Racist representations | 'Words, phrases or comments which are likely to be offensive to a particular racial or ethnic group; be racially abusive, insulting or threatening; apply pressure to discriminate on racial grounds; stir up racial hatred or contempt', as defined in Royal Town Planning Institute guidance (1996) on racist representations concerning planning applications. |

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| Regional housing boards | Nine bodies created by the government's sustainable communities plan in 2003, to strengthen the links between housing, planning, and economic development, and to coordinate arrangements for determining regional priorities for housing investment. They are responsible for producing and implementing a regional housing strategy and advising ministers on how the region's allocation for funding for housing should be spent. |
| Regional housing strategy | The regional housing strategy puts the housing needs of the region in order of priority (by locations and/or types of expenditure) as a basis for decisions on the allocation of housing resources in the region. It takes an overall view of regional housing need, housing investment priorities and affordable housing targets. This provides a regional context for local authorities in drawing up their own housing investment strategies and identifies regional priorities for housing investment to be funded through registered social landlords. |
| Regional spatial strategy (Welsh spatial plan) | A document produced by a regional planning body which identifies the scale and distribution of new housing in the region. It also offers areas for regeneration and expansion and lists priorities for the environment, transport, infrastructure, economic development, agriculture, minerals and waste treatment and disposal. Local development frameworks must be in general conformity with this strategy. |
| Registered social landlords (RSLs) | A non profit-making voluntary group, generally a housing association, registered with the housing corporation, formed to provide affordable housing. |
| Relevance | For the purposes of the Race Relations Act 1976, 'relevance' means 'having implications for' (or affecting) the general duty. A function or a policy will be relevant to race equality if it has, or could have, implications for promoting race equality. Relevance is about how far a function or policy affects people – as members of the public and as employees of the authority. |
| Residential site | A Gypsy site intended for long-term or permanent occupation by residents. No maximum length of stay is set. |
| Romany Gypsy | Romany Gypsies trace their ethnic origins back to migration, probably from India, taking place at intervals since before 1500. Gypsies were recognised by the English courts as an ethnic group in 1989. |
| Rural exceptions policy | A policy enabling an authority to allocate small sites in rural areas solely for affordable housing, which would not otherwise be released for housing through the market. |

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| School census categories | The ethnic monitoring categories specified by the Department for Education and Skills for use in the school census. The categories closely reflect the 2001 national census categories. However, to support efforts to raise the attainment of Traveller children, two extra categories – Gypsy/Roma and Traveller of Irish Heritage – have been introduced. |
| Sons and daughters policy | A policy whereby the sons and daughters of current tenants are given priority for re-housing, although they do not have the rights to these properties under the Rent Act, nor have they negotiated these rights under the terms of the tenancy agreement. If the tenants are predominantly from one racial group, other racial groups may be less able to comply with this rule. The rule may therefore be indirectly discriminatory. |
| Specific duties | Duties placed on selected public authorities bound by the general duty (<i>see above</i>) under the Race Relations Act 1976 (Statutory Duties) Order 2001 or the Race Relations Act 1976 (Statutory Duties) Order 2003. In Scotland, additional public authorities are listed in the Race Relations Act 1976 (Statutory Duties) (Scotland) Order 2002 (SSI No 62) and the Race Relations Act 1976 (Statutory Duties) (Scotland) Amendment Order 2003 (SSI No 566). The current list of authorities is available on the Home Office and CRE websites. The duties include production and publication of a ‘race equality scheme’ (<i>see above</i>), and monitoring, by racial group, of specified aspects of employment. |
| Statement of community involvement (SCI) | A document which sets out the processes to be used by a local authority in involving the community in preparing, altering and continuously reviewing all local development documents and development control decisions. The SCI is an essential part of the local development framework. |
| Statutory code of practice | Practical guidance which has been approved by the secretary of state and laid before parliament. A statutory code of practice is admissible in evidence in a tribunal or court of law, and must be taken into account when it is relevant to any question arising in proceedings under the relevant legislation, in this case the Race Relations Act 1976. |
| Stopping place | An area of land identified for use by Gypsies and Travellers in transit; less formal than a transit site (<i>see below</i>). |
| Sustainability appraisal | A sustainability appraisal identifies and reports on the likely significant effects of a plan and the extent to which it will achieve social, environmental and economic objectives. This should ensure sustainable development. All development plan documents and supplementary planning documents that form part of the local development framework will require a sustainability appraisal. |

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| Supporting people strategy | A five-year plan for managing the supported housing sector which offers vulnerable people the opportunity to improve their quality of life by providing a stable environment, that enables greater independence, for example by allowing them to stay in their own homes. |
| Temporary stop notice/stop notice | A notice served in respect of land subject to enforcement proceedings prohibiting the carrying out or continuing of specified operations which are alleged to constitute a breach of planning control, and designed to stop work going on pending the outcome of an appeal. |
| Toleration | A decision to allow encampments to remain in place on a short- or longer-term basis, often for a fixed period of time, and subject to conditions. |
| Transit site | A Gypsy site intended for short-term use by Gypsies and Travellers in transit. The site is normally permanent, while its residents are temporary, and a maximum period of stay is usually imposed. |
| Traveller Education Services (TES) | A local education authority support service, which works closely with schools and families to ensure access, and to raise Traveller pupils' achievement. |
| Unauthorised development | Development that has taken place or is taking place without the benefit of planning permission. It may risk being the subject of enforcement action. |
| Unauthorised encampment | An area where Gypsies and Travellers reside in vehicles or tents without permission. Unauthorised encampments can occur in a wide variety of locations. |
| Unitary development plan | A local plan containing planning policies produced by certain unitary district authorities and London boroughs that have responsibility for the full range of local authority services. Since 2004, this has been replaced by the local development framework. |
| Welfare needs assessment | A series of checks, required by case law, on health, accommodation, education and any other issues relating to the general welfare of people living on unauthorised encampments when considering any eviction. |

Appendix 9

References

1. *Mandla (Sewa Singh) v Dowell Lee* (1983) 2 AC 548.
2. In *CRE v Dutton* (1988), a case involving a 'No Travellers' sign in a pub, the Court of Appeal ruled that Romany Gypsies are an ethnic group. In *O'Leary and others v Allied Domecq* (2000) and others, a similar decision was reached in respect of Irish Travellers. Although this was a county court judgment, Irish Travellers are explicitly protected from discrimination under the Race Relations (Northern Ireland) Order 1997, article 5. This makes it highly unlikely that their status could be open to challenge again in the UK.
3. The accuracy of this biannual caravan count has been widely questioned; see *Counting Gypsies and Travellers: A review of the Gypsy caravan count system*, ODPM, 2004
4. The Gypsy-Traveller caravan count was halted in 1997 and no other measure has replaced it (National Assembly for Wales, 2003a).
5. The ODPM estimate of 4,000 pitches closely reflects the actual figure (4,264) for all caravans on unauthorised sites (unauthorised developments and encampments), as at the July 2004 count.
6. The figure of 500 acres is based on providing 4,000 pitches, at 8 pitches per acre. This is more than on some private sites, particularly those with adjacent grazing or small holdings, but less than on a number of public sites.
7. A report of the research, *The accommodation needs of Gypsy-Travellers in Wales* (Welsh Assembly Government), by Pat Niner will be published in 2006.
8. Current at the time the research was conducted, that is, before the new system for planning Gypsy sites became operational.
9. Section 19B of the RRA. In this context, 'public authority' is defined to include any person certain of whose functions are functions of a public nature.
10. The ODPM and the National Assembly for Wales are currently revising this definition in the context of the new planning system.
11. These include *R v Carmarthenshire County Council ex parte Price* [2003]

EWHC 42 Admin; *Chapman v United Kingdom* [2001] ECHR 43 Admin; and *Connors v UK* [2004] ECHR.

12. *Chapman v United Kingdom* [2001] ECHR 43 Admin.
13. *R v Carmarthenshire County Council ex parte Price* (2003) EWHC 42 Admin.
14. The CRE in Scotland has developed a Scottish Gypsy Traveller strategy, to complement the CRE's other work in this area. The strategy identifies the main issues for Scottish Gypsy Travellers that are distinctly Scottish or that are within the power of Scottish institutions to remedy, and says what the CRE in Scotland intends to do to counter any racial discrimination or harassment they face.
15. Local authorities were asked to send their completed questionnaires back to us by 29 November 2004; this date was extended to 31 January 2005.
16. A further 36 local authorities returned only one part of the questionnaire and were excluded from the analysis.
17. BV2b is a 'best value' performance indicator that measures the progress a local authority has made in meeting the race equality duty against a checklist of criteria. There were some difficulties in obtaining this information for all the local authorities in the sample. The most notable problem was the absence of data for the nine local authorities in Wales that responded; Welsh authorities are not included in the comprehensive performance assessment process and therefore do not have a BV2b score. For the full list of BV2b indicators, see appendix 4.
18. The 2004 figures have been used throughout the report, to coincide with the time at which the research was conducted. Figures for 2004 are contained within the ODPM January 2005 count.
19. The number of families living on sites is a better measure of need than the number of sites or encampments because these vary in size, and people can be counted several times. The ODPM data for England, for both January and July 2004, were included in the analysis, to take account of seasonal variations, especially in the figures for unauthorised encampments. No data for Wales were available, as the Gypsy-Traveller caravan count was discontinued in 1997 and has not been replaced.
20. The interpretation of the chi-squared test follows a seven-point scale and categorises the certainty of a relationship (or non-relationship) between the variables in a cross-tabulation.
21. These figures do not add up to 100 per cent, because two authorities did not answer the question.
22. In the absence of accurate ethnic monitoring data on Gypsies and Irish Travellers, all descriptions of the size and composition of the Gypsy and

Irish Traveller population are estimates, based on information supplied by individual local authorities.

23. We examined submissions to the general call for evidence from the case study areas in particular detail. If we did not hear from individuals or organisations in these areas, we actively pursued the information.
24. The Local Government Association was unable to put forward a representative until after the survey was designed.
25. Where local authorities have not adopted their own code of conduct, the model code of conduct at Schedule 1 of the Local Authorities (Model Code of Conduct) (England) Order 2001 and the Members (Model Code of Conduct) (Wales) 2001 will automatically apply.
26. Where local authorities have not adopted their own code of conduct, the model code of conduct at the Schedule of the Parish Councils (Model Code of Conduct) (England) Order 2001 and the Members (Model Code of Conduct) (Wales) 2001 will automatically apply.
27. Model code of conduct, para 2(a), and for Wales, para 4 (a)
28. Four separate formal investigations were carried out. Non-discrimination notices were served on Brymbo Community Council and two local residents. The CRE concluded that the individual councillor had not contravened the RRA.
29. In England only, since Wales has no two-tier local authorities.
30. Section 35 of the RRA states that it is not unlawful to act in a way that affords 'persons of a particular racial group access to facilities or services to meet the special needs of persons of that group in regard to their education, training or welfare, or any ancillary benefits'.
31. Local authorities and police forces are bound by the specific duty to publish an RES; parish councils (community councils in Wales) are not, being very small bodies with few or no staff, although they are bound by the statutory general duty.
32. Wales has no equivalent of BV 2b.
33. See the CRE *Statutory Code of Practice on the Duty to Promote Race Equality*, paras 4.9 – 4.15.
34. See the CRE *Statutory Code of Practice on the Duty to Promote Race Equality*, paras 4.20 – 4.23.
35. See the CRE *Statutory Code of Practice on the Duty to Promote Race Equality*, para 4.19.

36. See the CRE *Statutory Code of Practice on the Duty to Promote Race Equality*, paras 4.24 – 4.30.
37. See the CRE *Statutory Code of Practice on the Duty to Promote Race Equality*, paras 4.39 – 4.40.
38. See the CRE *Statutory Code of Practice on the Duty to Promote Race Equality*, paras 4.36 – 4.38.
39. Including high levels of illiteracy, and lack of experience of being consulted generally or particularly, for example through public meetings.
40. Including, but not only, allocation and disposal of local authority land, decisions to close or relocate a public site, sustainability appraisals of all new or revised local development documents containing policies relevant to providing Gypsy sites and statements of community involvement.
41. The importance of this issue for Wales is highlighted in *A Framework for a national housing strategy for Wales*, National Assembly for Wales, 1999.
42. For Wales, this is stated in *Planning Policy for Wales*, 2002, housing chapter, para 9.2.17
43. Section 225 came into force on 6 April 2006.
44. Department of the Environment Circular 18/94 or Welsh Office Circular 76/94 makes it clear that local authorities should not only maintain existing Gypsy sites (para 21) but also continue to provide new sites (para 22).
45. Central government funding for local authorities between 2001/2 and 2003/4, to improve and refurbish public Gypsy sites. In its third year, the scheme has been extended to cover the development costs of transit sites and stopping places. The grant challenge fund has provided £17 million over the three years from 2001/2002. A further £8 million was made available in 2005/6 by the ODPM to fund local authority bids for refurbishing sites, providing new transit and stopping place sites and, for the first time, providing new residential sites
46. Section 106 of the Town and Planning Act allows a local planning authority to enter into a legally binding agreement or planning obligation with a land developer over a related issue in order to provide community benefits.
47. The ODPM Circular 06/03 sets out local authority discretion to dispose of land for less than best consideration where it will help secure the promotion or improvement of the economic, social or environmental well being of the area.

48. Annex A of Planning Policy Guidance 3 (Housing) sets out local authority discretion to grant planning permission for affordable homes in rural areas where there is normally a ban on new housing.
49. Sections 162 and 163 of the Housing Act 1996
50. Job descriptions should include promotion of good race relations both between Gypsies and Irish Travellers and site residents and neighbouring communities, management of formal allocation policies and dealing with anti-social behaviour.
51. In line with CRE guidance (CRE, 2003), this means ensuring all contractors have the capacity to comply with the RRA and promote good race relations, and building this into the specification, the criteria for evaluating tenders and contract conditions.
52. While section 61 of the Criminal Justice and Public Order Act 1994 gives power to evict an entire encampment, the race equality duty suggests that, where that power is derived from the behaviour of part of that encampment, it may be appropriate that only that part of the encampment is evicted.
53. Section 70(2) of the Town and Country Planning Act 1990
54. The courts ultimately decide what a material consideration is. However, case law gives local planning authorities a great deal of leeway to decide what considerations are relevant, and how much weight should be given to them, each time they make a decision on a planning application. Any consideration which relates to the use or development of land is capable of being a material consideration, but other circumstances can be considered in exceptional circumstances. In practice, Government planning policy is often the most important material consideration other than the development plan. Government policy may also override the development plan, if it has been both consulted on and published more recently.
55. Planning and Compulsory Purchase Act 2004
56. Section 73A of the Town and Country Planning Act 1990.
57. 35.6 per cent of local authorities responding to the survey.
58. Gypsies are defined in section 24(8) of the Caravan Sites and Control of Development Act 1960 as 'persons of nomadic habit of life, whatever their race or origin'.
59. In contravention of para 10 in Circular 1/94 (2/94 for Wales).
60. Statutory undertakers are organisations licensed by the government to dig holes in the roads, verges or footways (pavements), under the New Roads and Street Works Act 1991. They include all utilities – electricity,

gas, water, telephone, cable telephone and television – and telecommunication companies.

61. Annex A of Planning Policy Guidance 3 (Housing) contains details of local authorities' discretion to grant planning permission for affordable homes in rural areas, where there is normally a ban on new housing.
62. Planning Policy Guidance 2: Green Belts, para 3.2
63. While this possibility was subsequently discounted, it provides an example of an attempt to negotiate a solution.
64. *R v Lincolnshire CC ex p Atkinson; Wealden DC ex p Wales and Stratford* [1997] JPL 65; [1996] 8 Admin LR 529
65. Valuation Office Agency, *Instruction manuals: Rating Manual, Volume 5*, Section 185: Caravans, Caravan Sites, Parks and Pitches: 'Separate rateability of a pitch does not arise unless its occupation is of a non-transient nature. In considering transience, the intention of a person owning the caravan at the material time is clearly relevant, but it is for the Valuation Officer to gauge this intention in the light of all the information available to him. Where a caravan and pitch have been in the same occupation for at least 12 months, this can be regarded as evidence sufficient to establish a non-transient occupation.'
66. The analysis was not possible for Welsh local authorities, as the Gypsy-Traveller caravan count was discontinued in 1997 and has not been replaced.
67. For example, the fact that a member of the corporate management team has overall responsibility for Gypsy and Traveller issues could lead to the development of a policy; conversely, the development of a policy could lead to allocating responsibility for Gypsy and Traveller issues to a member of the executive.
68. *Guidance on Managing Unauthorised Camping*, HO and ODPM, 2004, para 4.9
69. 16 + 1 categories used by police forces do not include Gypsies and Irish Travellers as separate categories. This means that data are not collected and crime levels cannot be estimated.
70. As with all relevant proposed policies, these should be assessed through an REIA when being developed, and monitored once adopted and operational, to assess the potential and actual effects, respectively, on race equality and race relations.
71. Police forces should consider in particular the regularity and nature of visits to encampments; practices such as 'escorting' to the force boundary; and the number of police involved in evictions.

72. 'Decent home' has a particular definition comprising several factors, including: meeting the current statutory minimum standard for housing; being in a reasonable state of repair; having reasonably modern facilities and services; and providing a reasonable degree of thermal comfort. The Welsh Housing Quality Standard's (National Assembly for Wales, 2003) criteria for a decent home are: good state of repair; safe and secure; adequately heated, fuel efficient and well insulated; containing up-to-date kitchens and bathrooms; being well managed (for rented housing); located in attractive and safe environments; and as far as possible suit the specific requirements of the household.
73. The importance of this issue in Wales is expressed in *A framework for a national housing strategy for Wales*, National Assembly for Wales, 1999.
74. Section VII of the Housing Act 1996
75. Sections 190 and 193 of the Housing Act 1996
76. Section 175 (2)(b) of the Housing Act 1996
77. Section 1(1) and (3) of the Homelessness Act 2002
78. Section 2(2) of the Homelessness Act 2002
79. *Homelessness Code of Guidance for Local Authorities*, 2002, para 1.16
80. As with all relevant proposed policies, these should be assessed through an REIA when being developed, and monitored once adopted and operational, to assess their potential and actual effects, respectively, on race equality and race relations.
81. We collected information from police forces when visiting case study local authorities and via the call for evidence, but not the questionnaire. We did not investigate compliance with the duty overall within these forces, only their role in policing unauthorised encampments and sites.
82. As noted in section 6.1.3, guidance from the Valuation Office Agency stipulates that council tax cannot be collected until an encampment has been in place for 12 months.



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CRE mission statement

We work for a just and integrated society, where diversity is valued. We use both persuasion and our powers under the law to give everyone an equal chance to live free from fear, discrimination, prejudice and racism.

