

Third Sector Research Centre

Working Paper 84

**Hearing the voice of Gypsies and Travellers: the history, development and challenges of Gypsy and Traveller tenants and residents' associations**

Andrew Ryder

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## Abstract

This paper seeks to give an overview of the origins and development of Tenants and residents' associations (TRAs) amongst Gypsies and Travellers. As well as identifying good practice it outlines recent legal events which may stimulate further TRA development on Gypsy and Traveller sites. This Working Paper aims to contribute to a wider debate between the tenants and residents of Traveller sites, those involved in their management and others active in the promotion of tenants empowerment in the wider housing sector.

### Keywords

Gypsy and Traveller; tenants and residents' associations; community development; social inclusion; empowerment.

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### The Author

Dr Andrew Ryder has a long history of work with and for Gypsy Roma Traveller communities. Between 1990 and 2001, Andrew worked as a teacher in state schools and with the British Council and taught Gypsy/Roma children in the UK, Hungary and Portugal. From 2002 until 2006, Andrew was the policy officer for the Gypsy and Traveller Law Reform Coalition (GTLRC), an umbrella group which lobbied for more Traveller sites and greater social inclusion. The GTLRC was awarded the Liberty Human Rights Award in 2004. Andrew also acted as researcher to the All Party Parliamentary Group for Traveller Law Reform from 2002-2007. Between 2006 and 2009 Andrew was the National Policy Officer for the Irish Traveller Movement in Britain, and carried out research into Traveller Economic Inclusion (2009-2010). Andrew is currently a Fellow at the School for Policy Studies at Bristol University and Visiting Professor in the Institute of Sociology and Social Policy at the Corvinus University of Budapest. Andrew's key interests focus on Gypsies Roma Travellers/marginalised groups with reference to social inclusion and empowerment. Andrew is a TSRC Associate Fellow working on the Below the Radar research stream.

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## Introduction

Hearing the Gypsy and Traveller voice has not been a prominent feature of Traveller site management. The quote below by the Irish Traveller campaigner Tom Sweeney, who at the time was a resident of a Local Authority Site reveals these frustrations:

...my license states that I can be given as little as seven days' notice....This creates for me and my family a real lack of ownership in our site, we feel like we are under continual probation. Our home does not feel like a home. I have lived on my site for fourteen years and have been engaged in a whole range of charity and community work with bodies like the Catholic Children's Society. I have put something into the community but what has the community given Travellers like me in return? (Hansard, 2004)<sup>1</sup>

According to Shelter (2012), Tenants and residents' associations (TRAs) provide a collective voice for people who live in the same area, or who have the same landlord. Members work together to improve housing and the environment in their neighbourhood and to build a sense of community. It is believed that there may be no more than a dozen Gypsy and Traveller TRAs on official Traveller sites. This figure represents a fraction of the total number of such sites given that there are about 320 sites owned by Local Authorities in England alone<sup>2</sup> (Niner, 2002). It should also be noted that there is also a serious information gap on community development amongst Gypsies and Travellers and a need for mapping exercises to provide reliable data (NEP, 2008). Hence, this paper seeks to give an overview of Gypsy and Traveller TRAs and place their development in the current conceptual debate on community development. It evaluates the scope for inclusive forms of community development, emerging from the 'bottom' up, and being driven by Gypsy and Traveller tenants' in promoting an agenda which addresses the needs and aspirations of their community. It is organic development, which upskills and raises tenants' awareness of the potential to create change both at the local and national level (Gilchrist and Taylor, 2011). Using a model of inclusive community development this Working Paper aims to:

1. explore the role and history of Gypsy and Traveller TRAs;
2. provide insights into good practice initiatives related to community development and TRAs;
3. give an overview of recent legal changes which may stimulate such community development;
4. finally, the paper attempts to place this aspect of community development into wider conceptual frameworks on empowerment and inclusion.

The main focus is on Gypsies and Irish Travellers as these groups are the predominant residential groups on Local Authority sites.

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<sup>1</sup> *In Parliament*, Baroness Whitaker read out Sweeney's comments in a debate on the Housing Bill in 2004, made prior to changes in security of tenure.

<sup>2</sup> This figure for Gypsy and Traveller TRAs is based on an estimate by one community development worker, working specifically on developing a TRA in the Traveller community for the past two years and the author's knowledge of this sector. The figure is an approximate one and a larger number of more informal and site focused forums probably exist, but lack a constituted structure.

## Methodology and audience

To date, little has been written about the establishment of TRAs on Traveller sites, although some data is contained in more general research into Gypsy and Traveller sites undertaken over the last decade. Of particular relevance here is work commissioned by the Office of the Deputy Prime Minister (Niner, 2002, 2003) and the Equality and Human Rights literature review (Cemlyn et al., 2009). In addition, Gypsy and Traveller Accommodation Needs Assessments (GTANA - a survey that Local Authorities undertook to assess accommodation needs) also contain some valuable information on liaison and dialogue with Gypsy and Traveller communities.

In earlier studies Gypsy and Traveller TRAs have been an aside to other wider topics. This TSRC Working Paper brings together these disparate references into one document and is linked to a TSRC Discussion Paper which is more speculative and which outlines possible roles for TRAs in reversing exclusion. The paper is directed at service providers and those who are engaged in supporting community empowerment. It is hoped that this Working Paper will contribute to a wider debate between the tenants and residents of Traveller sites, those involved in their management and others active in the promotion of tenants' empowerment in the wider housing sector. It should be noted that TRAs in the wider housing sector originated in residents and tenants concerns over poor accommodation and environments (Cooper and Hawtin, 1997). In this respect there are important similarities between Gypsies and Travellers and other tenant activity. Analysis of these similarities can provide a useful exchange of experience. To facilitate this process detailed descriptions of the conditions on sites and some of the initiatives being developed to establish TRAs is given. It is hoped that such contextual detail can serve as an aide-mémoire, providing a summary for those familiar and working in this field but also acting as an introduction for those new to this area.

## Who are Gypsies and Travellers?

Gypsies and Travellers have recently become more prominent in broadcast media with programmes like *'My Big Fat Gypsy Wedding'* and news stories on the eviction of Dale Farm. However, such attention has done little to extend the public's understanding of, or sympathy for, this minority. In order to analyse the merits of TRAs for this group we need to examine precisely who they are, establish a picture of what their needs and problems are and how TRAs can address these. Such an overview will also provide insights into the obstacles to developing such associations and why, to date, only a limited number have been established.

Gypsies or Romany Gypsies or Romanichal, as they are sometimes called, are first recorded in British history in 1502 in Scotland and in England from 1514 (Bancroft 2005). Roma populations across Europe are members of the same ethno-social group as British Gypsies, but their ancestors settled in other European countries (mainly in Central and Eastern Europe) earlier in the migration process which started in India and culminated in this population reaching the UK five hundred years ago (Kenrick, 2004).

The second principal Traveller group are the Irish Travellers sometimes self-termed *Minceir* or *Pavees*. McVeigh has argued Irish Travellers have their origins in a Celtic (and possibly pre-Celtic) nomadic population in Ireland and are not Roma/Gypsies (McVeigh, 2007). Irish Travellers have travelled within the UK at least since the nineteenth century and possibly earlier (Niner, 2002).

Gypsies and Irish Travellers have differing origins and cultural traditions. Despite this, there are some striking similarities between the two populations. Both groups have their own distinct community languages, Anglo-Romanes (spoken by Gypsies) and Shelta/Gammon used by Irish Travellers. Both operate within close-knit family structures centred on bonding social capital and have strong nomadic traditions which are now in decline and facing erosion as a result of sedentarist policies (Clark and Greenfields, 2006). Both hold a preference for working patterns organised around kin-groups and self-employment - referred to as the 'Traveller economy' (Cossee, 2005). At the heart of the Traveller economy are concepts of mutualism and collectivity, terms which in a wider sense have undergone something of a renaissance in recent political discourse (McNeil, 2009). Mutualism and social capital has played a key role in counteracting marginalisation and exclusion for Gypsies and Travellers by creating self-help networks and sources of income through the Traveller Economy (Ryder and Greenfields/ITMB, 2010). Mutualism and bonding social capital is evident in the strong traditions of in-family socialisation based on employment related training preferred by Gypsies and Irish Travellers (Smith and Greenfields, 2012). However, such traditions have, at times, acted as a barrier to participation in formal education, where these traditions combined with high levels of reported bullying towards this group and a school curriculum which fails to inspire some in this community has contributed to a low level of participation in formal education (Derrington and Kendall, 2004). Low levels of formal education accentuates exclusion but is not the sole factor contributing to the acute social exclusion experienced by both groups (Cemlyn et al., 2009).

## Social exclusion

The UK is estimated to have a Gypsy and Traveller population of approximately 180,000 - 300,000 (CRE, 2006). One third of this minority continue to practice nomadic lifestyles - or at least a semblance of nomadism through the occupation of caravans (Clark and Greenfields, 2006). Approximately thirty per cent of this caravan dwelling group reside on Local Authority Traveller sites (CLG, 2009a). Within England and Wales there is a national network of approximately 320 Local Authority sites. Bi-annual count data collected in recent years shows that, of Gypsies and Travellers living in caravans, approximately a fifth live on unauthorised sites (Johnson and Willers, 2007). This high rate of homelessness is a major factor contributing to the exclusion of the group.<sup>3</sup>

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<sup>3</sup> An unauthorised encampment is where Gypsies and Travellers live on public or private land which they do not own and without planning permission. An unauthorised development is where Gypsies and Travellers own land which they live on but do not have planning permission but in general they are seeking to obtain it. Both are unauthorised and thus residents on such sites are technically homeless. (Richardson, 2007 and Johnson & Willers, 2007).

Gypsies and Travellers are amongst the most excluded groups in British society as reflected in lower life expectancy (CRE, 2006; Cemlyn et. al, 2009) and poor rates of educational achievement (DCSF, 2009). There are also reports of growing unemployment and welfare dependency amongst members of these communities (CRE, 2004; Cemlyn et. al., 2009). A survey by MORI, commissioned by Stonewall, found Gypsies and Travellers to be the most reviled groups in society, alongside asylum seekers (Stonewall, 2003).

Exclusion has often been accentuated for Gypsies and Travellers by their lack of literacy or understanding and trust of political processes which in addition to a lack of formal organisation has contributed to disempowerment (Ryder, 2011). This lack of political power is evidenced by the small number of TRAs that exist. The majority of the small number of TRAs that have been established are on Local Authority sites. The factors behind the development of these sites, as well as their location and conditions, have created a complex web of exclusion which, in itself, has impeded community development.

## Restrictions on nomadism

In 1960 the Government brought in new legal restrictions on camping on common land. Those restrictions coupled with the development of traditional stopping places resulted in an increase in the number of unauthorised encampments and a consequential rise in tensions between Gypsies and Travellers and the settled community (Richardson and Ryder, 2009). These tensions prompted the Government to act in 1968 and set up an established network of sites.

The Caravan Sites Act (1968) imposed a statutory duty on Local Authorities to provide sites and rewarded those that complied with the duty by giving them extra enforcement powers against unauthorised encampments in a process known as 'designation' (Hawes and Perez, 1996).

Increased restrictions on nomadism and 'new' sources of work which were increasingly outside of agriculture, were focused on trades like construction and vehicle repair (Greenfields et al., 2012). These new trades warranted less frequent travel and this, combined with a desire to have better access to services, in particular health and education, meant that on the part of Gypsies and Travellers there was a move by some to more sedentary lifestyles (Acton, 1974).

However, it has been claimed that the creation of a national network of sites stemmed from a desire to exert control and discourage traditional nomadic patterns as opposed to any humanitarian intentions to reduce the hardship of eviction and homelessness (Okely, 1983, 2001). A lack of regard for the well-being of residents of Local Authority sites revealed itself in their location, limited rights in terms of tenancy and the condition of sites. The quote below by one Gypsy in evidence to a Select Committee summarises the negative perceptions held by some tenants:

Local Authority sites are often provided, designed and managed with the control and containment of the residents as the aim—there appears to be no commitment to providing safe and healthy places for families to live or to ensuring the appropriate provision of services to families who live on the sites (ODPM Select Committee, 2004)

The problems and perceptions, as signposted above, will be highlighted in the following description of good practice TRAs.

## The history and development of Gypsy and Traveller tenants and residents' groups

This section of the paper gives an overview of community development on sites during the past decade and details some good practice initiatives where attempts have been made to develop TRAs, demonstrating some of the challenges but also opportunities in such community development. Much of this community development has focused on Local Authority sites.

### Historical development of tenants and residents' associations

The 2004 Housing Act placed an obligation on Local Authorities to undertake a Gypsy and Traveller Accommodation Needs Assessment (GTANA). These assessments were carried out at a subregional level between 2006 and 2008: in some cases, by individual councils, in others by councils working collaboratively and in some cases at county/metropolitan level (CLG, 2009). The GTANAs provide useful information on attempts by Local Authorities to involve Gypsy and Traveller tenants and residents in decision making processes concerning sites in the last decade. The findings from a review of thirty four assessments by the author are summarised below and give an indication of the limited progress made in the last few years.

Many of the GTANA make an appeal for greater efforts to involve Gypsies and Travellers in decision making processes but few go into detail. Of the thirty four GTANA surveyed only three make specific reference to tenants and residents groups/local forums (Luton and Bedfordshire, 2006, 1.5.13, Devon 2006, 85, Cumbria). In most of the surveys, when expressing their aspirations, a majority of tenants were primarily concerned with the poor state or location of their sites and appeared to have little interest in establishing new forums.

The London GTANA (2008) asked participants about the best way to keep Gypsies and Travellers informed about services. The table below shows that a newsletter was the most popular suggestion. None of the respondents mentioned TRAs or other forums.

#### Best Means to be informed about services

Newsletter 46%

Visit by liaison officer / support worker 29%

Visit by health / education worker 23%

Voluntary group 19%

Site notice board 16%\*

Council Housing Department 10%

Telephone outreach 8%

NB: percentages add to more than 100% as participants could give more than one answer.

(London GTANA 2008, 78 – 9.16 Figures round up by author)

The lack of aspiration for TRAs in GTANA could well be a consequence of Local Authorities using traditional intermediaries such as support groups. However, more often community elders have become the established links between sites and Local Authorities. One GTANA notes 'The Council



seems to liaise closely and amicably through a senior resident on the site' (Milton Keynes GTANA, 2006, 8 – 2.17). It is doubtful if such informal liaison would be considered acceptable on a housing estate but for a minority group like Gypsies and Travellers, with a limited history of formalised organisation, a TRA may not be an automatic and prominent aspiration for change in any survey or consultation exercise with Gypsies and Travellers. However, the GTANA do indicate that on some sites there is profound disquiet about site management. If tenants equated improved management and a resulting improvement of facilities with TRAs it may be the case that support for such bodies may grow.

On the question of tenants having input into more strategic decision making, out of the thirty four GTANA reviewed six indicated that they had interagency Gypsy and Traveller forums and a further five expressed a desire to establish such groups. Niner (2003) also noted that regular forums or resident groups were not the norm and that a minority of Authorities (22%) participated in a forum or working group on which Gypsies or other Travellers were represented. The likelihood is that many of the forums to which the GTANA and Niner refer were inter-agency consultative groups composed of a wider network of service providers rather than resident and site focused forums which were constituted TRAs.

Despite slow progress in the establishment of TRAs amongst Gypsies and Travellers there have been some important pockets of good practice which are outlined in the following profiles:

#### **Eleanor Street site**

The London Gypsy and Traveller Unit (LGTU) supports Travellers and Gypsies living in London providing advocacy, input into strategic decision making, community development support and cultural services for the community.

One of the first tenants' groups that was set up was in 2003 at the Eleanor Street Site in Tower Hamlets. Site residents sought assistance from the LGTU to improve Local Authority management of their site. Subsequently a tenants' association was established and the LGTU provided training to facilitate the work of tenants to coordinate the group. As a consequence, site management by the Local Authority has improved. The site was under some threat as a result of the Crossrail scheme. Through the residents' group site residents have been able to articulate concerns to decision makers and input into plans to redesign the site as part of the Crossrail development (LGTU website). One resident noted:

It's been hard for residents to understand consultations. But we've all taken it seriously.  
It's a slow process but with the support of all residents and LGTU we know we will get there in the end (LGTU, Annual Report 2009, 5)

#### **Friends Families and Travellers**

Friends Families and Travellers (FFT) is a national charity. FFT offers services, advice, support and advocacy. The case work and service delivery of FFT plays an important role in informing its advocacy work (Ryder and Greenfields/ITMB, 2010). This fusion of grassroots activity and support with the strategic work of FFT is evident in the development of TRAs. Sarah Mann, the Training and Capacity Building Manager at FFT states:

'Promoting resident's groups has often arisen out of dealing with a piece of casework on a site, or more likely, several pieces of casework with different residents on a site e.g., poor repairs, concerns with allocations, complaints about site managers. After being seen to deal successfully with a problem on a site, we might suggest setting up a residents group'.

In this work of promoting residents' groups FFT has received financial support over a two year period through a grant from the Equality and Human Rights Commission. Additional support has been received from Local Authorities who have supplied staff time, meeting rooms and refreshments.

FFT believes that tenants' groups are important in that residents have greater leverage to negotiate improvements to sites and their management as a group rather than as individuals. This is important as Local Authorities manage sites through a variety of Departments (such as Environmental Health) which may not have structures or processes in place for engaging with residents (unlike Housing Departments or Housing Associations). FFT recognise the considerable obstacles to developing TRAs. Sarah Mann notes:

'Many sites are in very poor condition and have big social problems and people are so far away from being able to engage in an organised way that they need a lot of confidence building and some success to want or be able to become a formal group. Literacy is also a big issue as many adults on sites are not able to read. There is often a lot of mistrust of authority - poor historic management of sites is often a contributing factor'.

FFT has provided examples of some of the sites they were involved with which highlight the challenges and difficulties a TRA may be faced in its early stages.

### **Developing tenants' groups**

FFT has provided a detailed outline of the development of four tenants' groups on some of the sites they have worked with and supported. The following case studies are of groups which are at a more transitional stage.

#### **Site A**

Site A had difficulties because of anti-social behaviour by some residents. Vandalism on the site and car crime by one resident were particular problems, but residents were unwilling to put their name to a complaint. The Local Authority had been very lax in its management of the site and it had become run down with several vacant plots which the Local Authority were unable to fill because of the poor reputation of the site. Improving life on the site will involve coordinated action by police and the Local Authority. FFT dealt with some basic repair problems through individual casework and are now helping to facilitate pre-meetings for professionals only (where FFT brings residents' concerns to the table), followed by a meeting of residents and agencies together. This is a transitional stage, and not an ideal one, but one which recognises the difficulty of residents voicing their concerns in open meetings. This process has also secured buy in from other agencies agreeing to work together to improve the site.

**Site B**

Site B has very poor facilities and a history of lax management. Day to day maintenance has been much improved by residents engaging with the Local Authority as a group, supported by FFT. However, the long term redevelopment of the site is hostage to funding and land deals. Delays to this means that residents are becoming less keen to engage as they don't believe there will be any progress. FFT are now looking at going back to the resident's individually to see what they want to do and how and if they want to continue working as a group.

**Sites C and D**

At two sites in the same district, an experienced FFT volunteer helped to facilitate meetings between residents and the Local Authority to consult on revisions to tenancy agreements. On one of the sites, the FFT volunteer was able to help residents ask for new services such as mobile library visits. Neither of these sites have formal residents' groups yet but FFT believe that, through the tenants working as a group and holding meetings, the foundations have been laid to formalise these groups.

**Stable Way Residents' Association**

Stable Way (previously known as the Westway Travellers site) became a Local Authority site in 1976. Prior to this, it had been a traditional stopping place used by Gypsies and Irish Travellers for centuries. The site has 19 pitches (family spaces for caravans and mobile homes) and a small community centre located in a portacabin. 95 Irish Travellers reside on the site (Regan and Ahmed, 2011). The site is under the Westway flyover, west London, and there is constant traffic overhead. Frequent complaints have been made by residents about noise and pollution. For eight years, Westway Development Trust, with increased resources from the Royal Borough of Kensington and Chelsea (RBKC), has been funding work with families on Stable Way, employing a freelance community worker and Southwark Travellers Action Group to provide advocacy and support (Regan and Ahmed, 2011). This work has included the establishment of Stable Way Residents' Association.

The Association has existed since October 2008 and has been supported by the Royal Borough of Kensington and Chelsea, Supporting People, Irish Traveller Movement in Britain, Westway Development Trust, Harrow Club and Advice Now. In 2010 the association constituted itself as a formal voluntary organization. It aims to:

- improve the quality of life of Travellers living in the RBKC;
- improve the voice and participation of Travellers in the policies and decisions affecting them;
- enable access to debt and legal advice;
- provide a place for children, young people and adults to come together to learn and have fun together;
- work for and with, and to represent, Travellers living on Stable Way.

(Regan and Ahmed, 2011)

The association is striving to increase the say the residents have in the broad management of the site and support services and is involved in projects such as computer literacy classes. However, decades of isolation and exclusion mean that the evolution of such residents' groups can be a slow process. A report on the progress of the group notes 'Whilst there is support for the Association by most residents, there is still the fear that this is another 'red herring' that does a lot of talking though without much meaningful action. For those officers actively involved with the Association this can be a barrier to full participation' (Regan and Ahmed, 2011). To develop such an association and overcome distrust can require high levels of resources and time (Kay, 2005). Unfortunately, few Authorities or agencies are willing or able to commit the same level of resources as those involved in the pioneering work to develop Stable Way Residents' Association.

### **Inclusive community development**

Inclusive community development focuses on tenants' concerns and is an organic process of learning and upskilling (Twelvetrees, 2001). It is an approach that may avoid the mistakes of the past where Gypsy and Traveller tenants' groups and forums were developed on sites in the 1970s and 80s but failed, in part because an external agency dominated the agenda (Griffin, 2008), which sprang from paternalistic notions of community development. The TRAs identified in the above profiles of good practice represent the best traits of inclusive community development by helping communities build their own capacity and identify and solve problems (Toomey, 2009). However, in some cases, progress can be slow or the enthusiasm of tenants can be tested by Local Authorities and other agencies being unresponsive to tenants' aspirations and requests.

On these sites TRAs are at a transitional stage but poor site management and in some cases a lack of facilities can create considerable challenges for emerging TRAs. Poor management of accommodation can leave a legacy of mistrust which can frustrate community development (Birchall, 1997). Despite the challenges, on the sites featured, tenants have mobilised to overcome their problems and there is a pool of tenants willing to support the tenants' groups. Some members of the TRAs featured in the paper have become active campaigners on a wider national stage, acting as trustees and committee members for major national NGOs working in this field: a development which highlights the dynamic and transformative potential of Gypsy and Traveller TRAs but more generally of inclusive community development (Prins, 2005).

The good practice examples illustrate some of the opportunities and challenges in establishing TRAs and provide important models for the expansion of inclusive community development. The desire and need to expand the numbers of TRAs has been accelerated as a result of recent legislation. The context to this important development is set out in the Connors' case.

### **Security of tenure and the Connors' case**

The social exclusion of residents was (until recently) compounded by a lack of security of tenure on Local Authority sites which had contributed to a sense of disempowerment and is one factor responsible for the limited number of TRAs. Prior to 2011, unlike the residents of other forms of social housing, Gypsies and Travellers could be evicted from Local Authority sites in theory for the slightest of pretexts with limited chance to seek redress in the Courts (Johnson and Willers, 2007). The

Caravan Sites Act 1968 provided that all a Local Authority had to do to gain possession of a pitch on a Gypsy site was provide 28 days' notice of termination of a Gypsy's or Traveller's licence and then obtain a possession order from the Court. Furthermore, there was no requirement to offer alternative accommodation.

The predicament of Gypsies and Travellers living on local authority sites at that time contrasted with the position of occupiers of other caravan sites, who were afforded security of tenure by the Mobile Homes Act (MHA) 1983, and the position of tenants of Local Authority housing who were afforded protection by the Housing Act 1985. Under these statutes possession would not be granted except on proof of certain grounds and in circumstances where the Court considered it reasonable to make an order (Johnson and Willers, 2007). This striking difference in treatment was brought to the attention of the European Court of Human Rights in the case of *Connors v United Kingdom*, which is described later in the paper.

The sense of vulnerability and powerlessness felt by residents of Local Authority sites was further articulated in a speech by Julie Morgan MP at the launch of a campaign for Equal Tenancy Rights for Gypsies and Travellers in 2007:

Why should the statutory protection afforded to tenants in council housing not be available to a Gypsy or Traveller occupying a pitch on a permanent Local Authority site in the same circumstances? Living with the fear of losing one's home, with the risk of children being taken into care, is a constant stress, not just for the tenant or licensee of a pitch but for the whole family. (TLRP Press Release 30/1/2007)

The origins of such concerns over the level of self-determination and empowerment on Local Authority sites were evident from the outset of their development. Tenants sometimes contemptuously referred to sites as 'reservations' on account of strict and authoritarian management regimes (Rehfishch, 1975). This grievance became increasingly articulated by campaigners for Traveller law reform and formed a clause of the Traveller Law Reform Bill which was drafted by Cardiff University Law School after a lengthy consultation with stakeholders (TLRB, 2002). Simultaneously a number of attempts were made in the UK courts to establish a legal precedent which could equalise the residency rights of those living on Local Authority sites (*Somerset County Council v Isaacs and Secretary of State for Transport, Local Government and the Regions*, 2002; *R (Smith) v Barking and Dagenham LBC and Secretary of State for the Office of the Deputy Prime Minister*, 2002) but these cases, which invoked the 1998 Human Rights Act, failed and petitions to the Lords were refused (Johnson et al., 2010).

It was an inappropriate enforcement on a Local Authority site in Leeds which set in motion a long legal process that has ultimately provided opportunities to address feelings of powerlessness and a lack of rights by residents and established the legal right to demand tenants' groups. The *Connors* case, as it became known, was a landmark legal ruling which revealed the vulnerability and limited rights of Gypsies and Travellers living on Local Authority sites. The legal victory for Mr Connors in the European Court of Human Rights set in train a process that equalised Travellers tenancy rights with other social housing tenants.

Allegations of nuisance had been made against Mr Connors, a tenant of a Local Authority site in Leeds, which he denied. However, the Local Authority did not have to set out these allegations nor prove its case in the possession action taken in the County Court. The Court was unable to scrutinise

the allegations nor decide whether they were proved and, if proved, whether it was reasonable for a possession order to be made. Mr Connors was evicted from his site and this led to Mrs Connors eventually moving into settled accommodation out of desperation as Mr Connors was evicted from one unauthorised encampment to another. Keith Lomax, a Leeds solicitor, took on the legal representation of Mr Connors and the case was heard in the European Court of Human Rights (ECtHR). The UK Government asserted that, to cater for the special needs of Gypsies and Travellers who live in a nomadic lifestyle, they required flexibility in the management of Local Authority sites. Thus, eviction was an integral management tool in dealing with anti-social behaviour (Johnson et al., 2010).

The ECtHR did not accept the Government's justification for treating anti-social behaviour on Local Authority Gypsy and Traveller sites differently than that committed by those living in Local Authority housing or on sites which were then protected by the Mobile Homes Act 1983 (which then specifically excluded local authority run Gypsy and Traveller sites). The ECtHR concluded that

it would...appear that the situation in England as it has developed, for which the authorities must take some responsibility, places considerable obstacles in the way of Gypsies pursuing an actively nomadic lifestyle while at the same time excluding from procedural protection those who decided to take up a more settled lifestyle.

Subsequently, the ECtHR found a violation of article 8 of the European Convention on Human Rights and awarded Mr Connors 14,000 Euros in damages (Johnson et al., 2010). In November 2004, the Government sent a memorandum to the Council of Ministers indicating that it accepted that security of tenure would have to be introduced on Local Authority Gypsy and Traveller sites. However, six years later the Government had still not fully implemented the measures it proposed.<sup>4</sup> The frustration of campaigners and Gypsies and Travellers themselves was expressed in a Parliamentary question from Julie Morgan MP to the Parliamentary Under-Secretary of State for Communities and Local Government (Mr. Shahid Malik). Ms Morgan stated:

'I am dismayed that Gypsies and Travellers as yet have no security of tenure, bearing in mind that the Connors judgment in the European Court was six years ago and the Government's proposals to change the law using the Mobile Homes Act 1983 were more than two years ago. There has been intensive discussion with Gypsies and Travellers and with support groups, and I wish to express my extreme dismay. What hope can the Government give Gypsies and Travellers who are living in uncertain situations and who had great hopes of this Government?' (Hansard, 2010)

In 2010 Eric Pickles, the Secretary of State at Communities and Local Government, indicated in a press release entitled 'Time for Fair Play for all on Planning' that the Coalition Government would implement the delayed provisions to equalize Local Authority site residents' security of tenure. This intention was portrayed as a gesture of good will to Gypsies and Travellers who "played by the rules". The same press statement outlined harsher planning penalties for those who were deemed 'not to play by the rules' by developing unauthorised encampments (CLG, 2011). No reference was made to

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<sup>4</sup> The Housing and Regeneration Act (H&RA) was passed in 2008. H&RA 2008 Section 318 amends MHA 1983 Section 5 so as to extend the security of tenure provisions in MHA 1983 to cover Gypsies and Travellers residing on local authority sites. The Government decided that H&RA 2008 Section 318 should not be brought into force until an extensive consultation process on supplementary matters (such as assignment and succession) had been concluded (Johnson, et al., 2010). Hence, this was the cause of considerable delay.

the fact that the ECtHR had compelled the UK Government to take this action and that residents had waited six years for it to comply with the Court's ruling.

On 31 April 2012 the Coalition Government brought Local Authority run Gypsy/Traveller sites under the terms of the Mobile Homes Act 1983, and thereby introduced security of tenure on Local Authority sites. Under the Mobile Homes Act Local Authorities are legally obliged to consult with qualifying residents' associations, which are defined as having at least 50 per cent of the occupiers on that site as members of the association. FFT has mounted a campaign to encourage residents to establish TRAs and has argued that associations could play an important role in relaying to tenants exactly what their new rights are.

It should be noted that there are tenants of privately run mobile park homes who feel they are not afforded sufficient protection and are the victims of unscrupulous landlords (Park Homes Residents Action Alliance, 2011). Therefore despite new provisions problems will continue to exist in the relationship between some tenants of Traveller sites and unfair landlords and management regimes and more broadly challenges remain concerning the location and condition of some sites.

### **Obstacles to the establishment of tenants and residents' associations**

A number of serious barriers lie in the path of attempts to establish Gypsy and Traveller TRAs. One is that despite governmental rhetoric on empowering communities, in a recession the resources and support to facilitate such measures have become more scarce as Local Authorities cut budgets. The Travellers Aid Trust Panel Review of Coalition policy noted that cutbacks were having a severe impact on support services for Gypsies and Travellers. In particular, the erosion of Local Authority Traveller Education Services. Traveller Education Services have been key agents in facilitating innovations and improved services on Local Authority sites. Their erosion will hinder community development as their knowledge of the community and expertise has often been an asset for various agencies wishing to support and work with Gypsy and Traveller communities (Ryder et al., 2011). Supporting People, with its remit to provide support for vulnerable individuals to maintain their tenancies, has been a useful instrument with which to provide support to Traveller tenants including the establishment of TRAs. However, Supporting People services have also been drastically cut under the Coalition government, reducing the scope to support empowerment measures on Traveller sites (Ryder et al., 2011).

Niner noted that Local Authority sites are often more management intensive than more conventional forms of social housing. The staffing level seems to be about one person (full time) per 16 pitches. Niner observed that one larger regional Registered Social Landlord, in comparison, has over 60 properties for each full time employee involved in stock management and maintenance (Niner, 2002; 2003). Communities and Local Government guidance notes give the reasons for this:

The location and particular characteristics of a site, together with the higher degree of social exclusion experienced by some members of the Gypsy and Traveller community, may mean that site management is sometimes a more intensive activity, and involves a greater degree of contact between residents and managers, than for some other forms of social housing (CLG, 5.8 2009b).

It could be argued that effective TRAs could facilitate the work of site managers and reduce the time needed in one to one contact as, ideally, a TRA should be a conduit for information. An efficiency argument can thus be made for TRAs (Cooper and Hawtin, 1997). However at the early stages high levels of resources will be required. In the Panel Review one Local Authority Traveller Education Service noted that it had taken about five years for an outreach worker in their employ to build up relationships and support for the development of a TRA which only now was becoming self-sustaining (Ryder et al., 2011). Also some site managers and Local Authorities may not be enthusiastic about empowering tenants fearing this would result in challenges to management on Local Authority sites. In 2006 the Commission for Racial Equality noted:

Far more Local Authorities have policies on enforcement than on providing sites; while 76 per cent have policies on managing unauthorised encampments, only 27 per cent have policies on providing sites, and many have no policies at all on managing public sites, in contrast to their approach to social housing....Few Local Authorities have assessed the way their policies on Gypsy sites will affect race equality, in line with their statutory requirements (CRE, 2006, 10-11).

The above comments provide insights into where the priorities of some Local Authorities lie. If and where progress has been made this could be undermined by the financial crisis and its implications for inclusive services (Richardson, 2010). In addition, responsibility for site management tends to lie in environmental health departments or specialist Gypsy/Traveller units. According to Niner a housing management section/department was responsible for Traveller sites in just under 20% of Local Authorities (Niner, 2003). It is likely that housing departments and sections have more expertise in tenant participation in social housing. Such expertise could be transferred to the management of sites (Cumbria GTANA, 2008, 18.12), a process which would also encourage the mainstreaming of Gypsies and Travellers' accommodation needs. Thus, a strong case can be made for housing departments to take responsibility for site management where housing and other accommodation types remains under the direct control of the Local Authority.

It is not only Local Authorities that need to address issues of disempowerment. Arms Length Management Organisations (ALMOs) and Housing Associations also need to promote Gypsy and Traveller tenant involvement. Many ALMOs have made strong claims in relation to local accountability and resident empowerment (Mullins, 2010). Hackney Homes is one ALMO that has sought to transfer this tradition to Gypsies and Travellers and has striven to develop a tailored and inclusive service for Gypsy and Traveller tenants in the borough of Hackney. It is one of the first ALMOs to adopt a strategic approach to this community (UKHA, 2010). A central element of Hackney Homes' work has been a floating support service. This has been crucial in involving tenants in the redesign and relocation of existing sites leading to the development of what some consider to be amongst the best Traveller accommodation in the country (UKHA, 2010). It is to be hoped that ALMOs with Gypsy and Traveller tenants will adopt a 'Community Gateway' approach to the transfer of housing stock to ALMOs giving tenants a choice of involvement – ranging from straightforward consultation through to direct management - and even ownership - of their housing (Confederation of Co-operative Housing, Chartered Institute of Housing and Co-operative Union, 2003). However, at present the example set by Hackney Homes does not appear to have been replicated elsewhere.



There are high levels of illiteracy and semi-literacy amongst Gypsies and Travellers (Cemlyn et al., 2009). This may present problems in forming and running formalised associations or at least enabling them to become autonomous and take up some of the more dynamic roles envisaged in this paper. A lack of technical expertise also needs to be counted alongside the 'cultural strangeness' of some more formal processes. For some Gypsy and Traveller tenants the concept of a constitution and elected officers is something of a cultural leap which can cut across traditional leadership forms centred on families and elders and could cause tensions within these power dynamics (Ryder, 2011).

Generations of exclusion and marginalisation has also helped solidify one of the most valued aspects of Gypsy and Traveller culture, namely high levels of bonding social capital. Intense social capital has given Gypsies and Travellers an invaluable support mechanism which has enabled them to make their way and survive in a hostile world. This has been at the centre of the 'Traveller economy' (Ryder and Greenfields/ITMB, 2010). However, there is evidence that this social nexus has in some cases promoted distancing, often in response to acute forms of exclusion. Putnam has argued that positive and negative interventions in the lives of groups and individuals can have a corresponding effect on trust formation, civic engagement and reciprocity in the wider community (Putnam, 2000). Given the culturally traumatic experiences of Gypsies and Travellers it is not surprising that their trust in the wider community is low and that they looked to themselves and their own kind for strength and security. This has led to the slow development of some projects which have genuine transformative potential. On some sites understandable fears and suspicions about authority may lead to some residents being nervous or unwilling to participate in a TRA or applying cultural sanctions to those that do (Ryder and Greenfields/ITMB, 2010). This may especially be the case where there is a lack of trust towards the agent involved in sponsoring the association (Ryder, 2011). However, it should be noted that these are pressures and challenges which can also be found amongst individuals engaging with new fora in the wider community (Prins, 2005).

Not all sites are homogeneous tight knit communities. As noted already, residents on some sites are experiencing acute exclusion and corresponding social atomization. In societies where symbolic capital is prized, an honour code system which is a response to exclusion can act as a compensatory mechanism leading to intense and protracted disputes (Kriesberg, 2003). Acton et al. (1997) noted the importance of this honour code amongst English Gypsies/Romanichals (see also Gmelch, 1976). As a consequence of a strong honour code there are some sites which are highly polarised because disputes have not been resolved and mediated. Polarisation has been exacerbated by inter family feuding which can impede or destabilise the work of TRAs. The Irish Traveller Movement in Britain has noted

Disputes on sites can divide families and create an intimidating atmosphere for all on the site. There may be some members of a family who haven't spoken to other members for years, even though they live on the same site. This will have implications for site dynamics and the extent to which residents will feel safe to get involved (ITMB, 2008, 47).

However, a TRA can play an active role in reversing structural causes of exclusion and, as with associations in the wider community, can act as a means through which disputes can be resolved (Cooper and Hawtin, 1997).

## Conclusion

Inclusive community development can be a powerful and potent tool for transformative change. However, in some cases, in particular with regards to excluded minorities, like Gypsy and Traveller communities, there are limits to what can be achieved without corresponding state action challenging inequalities. For Gypsies and Travellers that action would in part come in the form of a drive to address the longstanding shortage of sites. However, critics fear that the Coalition Government's localist agenda will undermine plans put in place under the previous government to provide and facilitate sites (Ryder et al., 2011).

The reversal of social exclusion requires both state action, underpinned by a commitment to social justice (Kisby, 2010), but also empowerment, mediated and delivered through community mobilisation and representation. Hence the development of Gypsy and Traveller TRAs and other forums is of the utmost importance. Such inclusivity will ensure policy is relevant and tailored to the needs of excluded people (Fung and Wright, 2001). In the UK the language of mutualism and communities delivering services is in vogue, as reflected in the Big Society policy being promoted by the Coalition Government (Alcock, 2010). There is a fear this could merely be a cover and euphemism for cuts and a 'smaller state'. There are also concerns that the promise of new forms of citizens' power and partnership in the Big Society is no more than empty rhetoric as bureaucracy and growing reliance on competitive tendering, combined with depleted local authority and charitable resources, may disadvantage marginalised groups like Gypsies, Roma and Travellers (Bartlett, 2009; Ryder et al., 2011). Those developments are likely to reduce opportunities and resources to facilitate long term, tailored partnership, up-skilling and confidence building strategies which, as demonstrated, have delivered some successful outcomes in the development of some TRAs.

**For further analysis see TSRC Discussion Paper D  
THE REAL BIG SOCIETY: Gypsy and Traveller tenants and residents'  
associations and the role of social capital and empowerment in reversing  
exclusion**

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Third Sector Research Centre, Park House, 40 Edgbaston Park Road

University of Birmingham, Birmingham, B15 2RT

Tel: 0121 414 3086

Email: [info@tsrc.ac.uk](mailto:info@tsrc.ac.uk)

[www.tsrc.ac.uk](http://www.tsrc.ac.uk)

## Below the Radar

This research theme explores the role, function, impact and experiences of small community groups or activists. These include those working at a local level or in communities of interest - such as women's groups or refugee and migrant groups. We are interested in both formal organisations and more informal community activity. The research is informed by a reference group which brings together practitioners from national community networks, policy makers and researchers, as well as others who bring particular perspectives on, for example, rural, gender or black and minority ethnic issues.

## Contact the author

**Andrew Ryder**

**A.R.Ryder@bristol.ac.uk**



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