

Somerset West and Taunton

9 April 2020

Re; Public Space Protection Orders consolation for: French Weir, Hamilton Park, Hankridge Trading Estate, Longford Park, Town Centre, Victoria Park, Viridor Park, Vivary Park

To whom it may concern

We write the following letter as a submission to the Somerset West and Taunton consultation on Public Space Protection Orders sought in the above referenced areas. Our key points of the submission are listed below.

- There is no evidence published online to support the need for a PSPO on encampments in these areas listed
- PSPO's on encampments will disproportionately, negatively impact Gypsies and Travellers
- The resulting increased evictions from these PSPO's would further marginalise and criminalise vulnerable Gypsies and Travellers
- Somerset West and Taunton have an unmet need for Gypsy and Travellers sites
- PSPO's on encampments are not compatible with case law which states that Gypsies and Travellers have an enshrined right to nomadism

We note that within the areas listed above provisions are made in the PSPO's to prohibit encampments. *"Encampments/Camping.1. Erecting or occupying a tent, vehicle, caravan or any other structure for the purpose of camping for any period whatsoever without the express written consent of an authorised Council officer is strictly prohibited."* However, none of the questions in the consultation survey on the Somerset West and Taunton website relate to this prohibition and so we outline below our strong objection to this element of the PSPO's in the areas selected above.

Firstly we would like to question on what basis you are seeking these PSPO's for encampments as there is no evidence published to support this consultation? Clearly, the majority of those who stand to be affected by this prohibition are nomadic Gypsies and Travellers. Gypsies and Travellers are protected under the Equality Act 2010 and therefore any decision made by a public authority which disproportionately, negatively impacts those protect by the Act may result in indirect discrimination and lead to legal action against that public body.

A major contributing factor of the number of encampments is a lack of site provision. We note, according to the [2013 Gypsy and Traveller Needs Assessment](#), there was an established need for an additional 15 pitches in Taunton and 2 additional pitches for Somerset West for the period 2016-2020. There appears to be no evidence of this need being met within the Somerset West [Local Plan](#)

Friends Families & Travellers
Community Base, 113 Queens Road, Brighton, BN1 3XG

T: 01273 234 777
F: 01273 234 778

www.gypsy-traveller.org

fft@gypsy-traveller.org

and there is no available, up to date Local Plan for Taunton at present. We urge you to consider the legal implications of criminalising those on encampments when there is an evidenced unmet need for pitches within Somerset West and Taunton. In light of this we refer you the Court of Appeal judgment passed down on the 21st January 2020 refusing to grant the London Borough of Bromley an injunction banning Gypsies and Travellers from the borough [Court of Appeal in the case of The Mayor and Burgesses of the London Borough of Bromley v Persons Unknown and Others [2020] EWCA Civ 12].

The judges pointed out that in cases where local authorities lack adequate site provision they will inevitably have instances of unauthorised encampments, and where local authorities attempt to criminalise those encampments, would likely leave local authorities in breach of Article 8 of the European Convention on Human Rights;

“...an inescapable tension between the article 8 (European Convention on Human Rights) rights of the Gypsy and Traveller community ...and the common law of trespass. The obvious solution is the provision of more designated transit sites for the Gypsy and Traveller community. It is a striking feature of many of the documents that the court was shown that the absence of sufficient transit sites has repeatedly stymied any coherent attempt to deal with this issue. The reality is that, without such sites, unauthorised encampments will continue and attempts to pre-vent them may very well put the local authorities concerned in breach of the Convention.”

Secondly, the judges point out that Gypsies and Travellers have an enshrined right to travel from place to place, and that legislation or policy which seeks to prevent this would therefore lead to a breach of the European Convention on Human Rights and the Equality Act 2010;

“Finally, it must be recognised that the cases referred to above make plain that the Gypsy and Traveller community have an enshrined freedom not to stay in one place but to move from one place to another. An injunction which prevents them from stopping at all in a defined part of the UK comprises a potential breach of both the Convention and the Equality Act and in future should only be sought when, having taken all the steps above, a local authority reaches the considered view that there is no other solution to the particular problems that have arisen or are imminently likely to arise”.

It can therefore be seen that any attempts to criminalise unauthorised encampments via these PSPOs would prevent Gypsies and Travellers from pursuing their right to nomadism across the nation, potentially leaving the Somerset West and Taunton in breach of the European Convention on Human Rights and the Equality Act 2010.

We strongly urge you to consider the harmful impact of these PSPOs on Gypsies and Travellers in your local area for which there is extensive evidence, outlined below. Studies have highlighted the experience of Gypsy and Traveller children who faced eviction, noting that they report feelings of

Friends Families & Travellers
Community Base, 113 Queens Road, Brighton, BN1 3XG

T: 01273 234 777
F: 01273 234 778

www.gypsy-traveller.org

fft@gypsy-traveller.org

constant fear, insecurity, and repeated loss resulting is serious long term psychological trauma (Warrington, 2006 and Children's Participation Project, 2007 in Cleemput, 2007; Warrington & Peck, 2005; Ormiston Trust, 2006 in Cemlyn et al, 2009).

Recent research conducted by Derbyshire Gypsy Liaison Group and Anglia Ruskin University; 'Life on and Off the Hard Shoulder' explored the experiences of older Gypsies and Travellers living on the road. One of the key findings is that evictions caused chronic anxiety and stress among the participants, leading to other serious health issues. Including encampments within these PSPOs will exacerbate the inequalities experienced by Gypsy and Traveller communities. It will become increasingly difficult to access essential services which are needed to improve the educational and health outcomes for Gypsies and Travellers.

Our suggestion would be to adopt a negotiated stopping approach to encampments in these areas. For example, Leeds adopted this approach which involved reaching agreements with those on encampments to temporarily stop and provide access to water, sanitation and waste disposal. [The evaluation of this approach](#) found that this improved community cohesion and resulted in an estimated savings to the Leeds police and local authority between £190,640 and £238,350 per annum and provides an altogether more humane approach to dealing with people on encampments.

We are concerned that Somerset West and Taunton are consulting on these PSPO's during this current public health emergency. I'd like to draw your attention to the letter from Luke Hall MP (attached) sent to all local authorities urging them to ensure support for vulnerable communities in their local authorities. The following parts are particularly relevant to Gypsies and Travellers on encampments.

"focus on people who are, or are at risk of, sleeping rough, and those who are in accommodation where it is difficult to self-isolate, such as shelters and assessment centres"

"make sure that these people have access to the facilities that enable them to adhere to public health guidance on hygiene or isolation, ideally single room facilities"

In light of this, we advise strongly against evictions from sites during this health crisis, as it would pose a public health risk to those being evicted and the wider community through risk of spread of the disease by not only forcing people to move out of self isolation, but also as it would disrupt access to water and sanitation which are essential to protect against the spread of the disease. Indeed the Court and Tribunals Judiciary have [updated their rules](#) on some eviction methods, namely Civil Procedure Rules Part 55, stating; 'All proceedings for housing possession brought under CPR Part 55 and all proceedings seeking to enforce an order for possession by a warrant or writ of possession are stayed for a period of 90 days from today, 27th March 2020.'

Friends Families & Travellers
Community Base, 113 Queens Road, Brighton, BN1 3XG

T: 01273 234 777
F: 01273 234 778

www.gypsy-traveller.org

fft@gypsy-traveller.org

You may also find our guidance on [Covid-19 and supporting Gypsies, Travellers and Boaters](#) helpful. Please refer to the following key points of the guidance particularly relevant to these proposals;

- to minimise risk during this national emergency, unauthorised encampments should not be evicted
- if an individual living on an unauthorised encampment becomes unwell, the local authority will need to support the household to self-isolate safely by stopping evictions, ensuring the household has a place to stop and access to basic water, sanitation and rubbish disposal
- local authority public health, housing and social care teams are encouraged to work closely together to identify appropriate local solutions for people who don't have anywhere to self-isolate.

An good practice example of support for Gypsies and Travellers during Covid-19 come from Bristol City Council who have created a new temporary stopping place for Travellers, with 25 pitches, safely distanced with the necessary facilities, including a cleaning service for the amenities to contain the potential spread of coronavirus.

Can you please tell us what you are doing to ensure you are following this guidance to support Gypsies and Travellers on sites during Covid-19?

Best wishes

Victoria Gilmore
Policy Officer
Friends Families and Travellers

Friends Families & Travellers
Community Base, 113 Queens Road, Brighton, BN1 3XG

T: 01273 234 777
F: 01273 234 778

www.gypsy-traveller.org

fft@gypsy-traveller.org