



**FRIENDS,
FAMILIES &
TRAVELLERS**

June 2021

Short Briefing: Accommodation issues facing Gypsies and Travellers in England

Key Facts

- There are around 300,000 Gypsies and Travellers in the United Kingdom;
- Around $\frac{3}{4}$ of Gypsies and Travellers in England and Wales live in bricks and mortar accommodation and the remaining $\frac{1}{4}$ live in a caravan or other mobile structure;
- There are approximately 3000 caravans with families living in, with no place to stop in England;
- Many Travellers stopping on land they do not own would prefer to stop on a socially rented or private site, but can't.

Key Issues

- There is a chronic national shortage of Gypsy and Traveller sites;
- There is a lack of will among local authorities to identify land for Travellers to live;
- The Government fail to hold local authorities accountable for not identifying land for Gypsy and Traveller sites, as outlined in the requirements of national planning policy;
- The change in the planning definition of Gypsies and Travellers has excluded a significant number of Gypsies and Travellers from pitch needs assessments;
- Discrimination within the planning system means that Gypsy and Traveller site applications face huge opposition and are frequently rejected;
- The Home Office proposals to criminalise trespass would increase enforcement action against nomadic Gypsies and Travellers, further violating basic human rights.

Context of site shortage

In 1994 the Criminal Justice and Public Order Act (CJPOA) was introduced. Not only did that introduce strong police powers for evicting encampments, it also repealed the duty on local authorities to provide public sector sites for their Gypsy and Traveller population.

Instead, local authorities must assess the need for pitches and identify land to meet that need. However, our [research](#) shows that only 8 out of 68 local planning authorities in the South East were meeting their identified need for pitches for the next 5 years. There is a similar picture across the country. Local authorities continue to neglect their planning duties to support the accommodation needs of Gypsies and Travellers and there are no consequences for this.

Our January 2021 [research](#) also found at least 1696 households on waiting lists for pitches on Traveller sites in England, with only; 13 permanent sites and five transit sites with any available pitches for Gypsy and Traveller families in all of England.

Lack of will among local authorities

The widespread prejudice among the general population towards Gypsies and Travellers is a key reason as to why so many local authorities fail to identify suitable land where Travellers can live.

A [survey](#) by the Equality and Human Rights Commission (EHRC) in 2018 found that 44% of the British public openly expressed negative feelings towards Gypsies, Roma and Travellers.

This can make it challenging for elected officials such as local council members or MPs who are in favour of building sites, to get or stay elected.

Change of definition of 'Gypsy [and] Traveller' in planning policy

In 2015 the planning definition of Gypsies and Travellers was changed so that Gypsies and Travellers who had ceased to travel for any reason would not be counted as needing a Traveller pitch in accommodation needs assessments.

Gypsies and Travellers who have lived in a caravan all their life but cannot travel any more due to illness, disability, caring responsibilities, or old age, are no longer assessed as having a need for a Traveller pitch. It also means they would not be able to get planning permission to live on their own land.

Research carried out by the Equality and Human Rights Committee in 2019 found that across 20 local planning authorities, the pre-2015 total requirement was for 1,584 further pitches. After the revised definition was introduced, the assessed need fell to just 345.

Discrimination in the planning system

Many Gypsies and Travellers struggle to get planning permission for their own land because of discrimination within the planning system and from the surrounding settled community.

Discriminatory approaches and prejudicial views within the planning system were made clear in the 2015 High Court ruling. The ruling stated that Eric Pickles, then the Secretary of State for the Department for Communities and Local Government, and his department had breached human rights and equality laws because they had been calling in all planning applications of 'Green belt Traveller cases' and routinely rejecting them.

Enforcement approach to encampments

Due to the lack of authorised places to stop, families are forced to stop on encampments and experience a constant cycle of evictions.

The police, local authorities and private landowners have a huge number of powers available to them to evict families from encampments.

Families face constant evictions because there are no authorised sites for them to go to. There are also practical common sense solutions to supporting the accommodation needs of Gypsies and Travellers, such as negotiated stopping arrangements. This has proven benefits for all, including a cost saving for local authorities and police. A 2017 evaluation of a negotiated stopping approach to encampments in Leeds found that police and local authorities could save between

£190,640 and £238,350 per annum if they used a more tolerant approach towards encampments.

More importantly, enforcement approaches to encampments also come at an irreparable, devastating human cost to Gypsies and Travellers. This impact is reflected in stark inequalities within health and education. This approach also reinforces prejudice among the settled community towards Gypsies and Travellers.

Police, Crime, Sentencing and Courts Bill

The Government's plans to criminalise trespass and strengthen existing police powers have now been put forward in the [Police, Crime, Sentencing and Courts Bill](#).

Part 4 of the Bill will see the changing of 'trespass' from a civil to a criminal offence and will increase already existing police powers against roadside camps.

Under the new plans, if a trespasser is residing or 'intending' to reside:

- They could have their vehicle (home) seized;
- Face up to 3 months in prison and/or a fine of up to £2500;

The Bill has extremely vague language on what will warrant enforcement action. For example, action could be taken if a person has caused or is likely to cause 'significant damage, disruption or distress'. What constitutes 'significant damage, disruption or distress' is subjective and could potentially capture all, particularly as there only needs to be one vehicle. This is of real concern for an individual or family who have nowhere else to stop.

[Research](#) by Friends, Families and Travellers (2020) found that the overwhelming majority of police bodies called for more Traveller sites and not the criminalisation of trespass, in their responses to the Government's 2019 consultation.

The harm created by this legislation will be felt immediately and for generations to come. It will push Gypsies and Travellers into the criminal justice system, merely for existing nomadically. It will put communities who have been widely recognised as being amongst the most marginalised and disadvantaged groups at further risk and compound the inequalities experienced.

Recommendations

- Local and national government should switch from an enforcement approach to encampments to an approach of provision, including permanent and transit sites and the promotion and adoption of negotiated stopping agreements.
- The Government should abolish proposals to criminalise trespass and plans to strengthen police eviction powers.
- The Government should reintroduce pitch targets and a statutory duty onto local authorities to meet the assessed need for Gypsy and Traveller sites.
- The Government should adopt a definition of a Traveller in planning terms that incorporates all Gypsies and Travellers who need a pitch to live on.
- The Government should ring-fence funding for local authorities to build Gypsy and Traveller sites.

About us

Friends, Families and Travellers is a leading national charity that works on behalf of all Gypsies, Roma and Travellers regardless of ethnicity, culture or background.

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