

Meeting the needs of Gypsies, Travellers and Travelling Showpeople

ABOUT GYPSIES, TRAVELLERS AND TRAVELLING SHOWPEOPLE

History

Gypsies have been present in England for more than 600 years and Irish Travellers have lived here for many generations. Both groups travel for work, cultural and family reasons. Gypsies and Irish Travellers are legally recognised ethnic minorities.

Travelling Showpeople are self-employed business people who travel the country holding fairs. Most Travelling Showpeople are members of the Showmen's Guild of Great Britain. Travelling Showpeople are not considered a distinct ethnic minority.

Race Relations Act

The Race Relations Act 1976 (the Act) makes it unlawful to discriminate against someone on the grounds of nationality, colour or ethnic, racial or national origin. Gypsies and Travellers' cultural tradition and right to live in caravans is also legally recognised, as is their right to live a travelling lifestyle if they wish. However, they are the most excluded ethnic groups in the UK.

Under the Act, it is unlawful for public authorities or the Regional Assembly to treat anyone less favourably, not least during the process of planning for future accommodation. It is also unlawful for any person to pressure the Assembly to discriminate against anyone on the grounds of their ethnicity. This legislation includes all members of society including Gypsy and Travellers.

The Assembly (and its members) also has a statutory duty to resist pressure to discriminate against Gypsies and Travellers.

Our responsibilities

We have a statutory duty to plan for future homes for all members of the community and to ensure the homes are suitable for people's needs. In the case of Gypsy, Travellers and Travelling Show people, this may include sites as well as other forms of housing.

In 2006 and 2007 Government introduced new rules requiring all local authorities to allocate sufficient legal stopping places for Gypsies, Travellers and Travelling Showpeople. To identify how much space is needed in each area local authorities have carried out Gypsy and Traveller Accommodation Assessments.

In addition, the Regional Assembly is reviewing the relevant section of the South East Plan, a 20-year planning vision for the region, to:

- Address the under provision of authorised stopping places
- Improve conditions for Gypsies, Travellers and Travelling Showpeople
- Reduce unauthorised encampments and the associated problems and costs.

ABOUT SITES AND PITCHES

Who owns sites?

Sites can be either privately owned, for example a Gypsy or Traveller family can buy their own land, or they can belong to local authorities or housing associations.

Who decides who can live on sites?

The local authority or housing association has a list of people waiting for pitches and it allocates them when they become vacant. On private sites the owner decides.

How are sites managed?

Local authorities and housing associations employ site managers to look after their sites. Private sites are managed by the site owners.

Why do we need more sites and pitches?

According to the January 2006 to June 2008 caravan counts there are approximately 700 caravans camped on unauthorised sites in the South East. The lack of authorised sites leads to unauthorised encampments, often in unsuitable places.

More authorised sites and pitches will help ensure:

- Gypsies, Travellers and Travelling Showpeople have better access to schools and health facilities
- Council tax, rent and rates are collected from site residents
- A reduction in unauthorised encampments, which are expensive for local authorities to move.

How big are sites?

Sites are made up of a number of individual caravan pitches, with amenity blocks and essential services. The size of a pitch is dependant on individual circumstances, although Government has issued guidance on the facilities and overall capacity of a pitch. Pitches normally accommodate one to two caravans dependant on family size and travel patterns. Government guidance indicates that small sites are preferred and between 12 - 14 pitches should be viewed as the optimum size; although larger sites may be required dependant on family numbers and preference.

Government's caravan counts from January 2006 to June 2008 show there are on average 3,169 caravans in the South East. Of these, 2,466 (78%) are authorised caravans on either local authority sites (1,256 caravans) or privately owned sites (1,210 caravans).

What facilities are provided on sites?

Sites have services (eg water and electricity) like any residential development. They also include a hard standing for the accommodation unit and an amenity building which may include a day room, dependent on the age of the site. Full details are available from the Government guidance on site design and management available from www.communities.gov.uk

Do local authorities still have to provide pitches while the South East Plan review is underway?

Local authorities are still obliged to provide new pitches during the review. Where there is clear and immediate need local authorities must also provide transit sites and pitches.

What are transit sites?

Transit sites provide short stay pitches for Gypsies and Travellers. Due to a shortage of pitches on permanent sites some transit sites are being used on a longer-term basis.

How much money is going towards new pitches?

The Regional Housing Board advises Government on the most effective use of funds to provide accommodation for Gypsies, Travellers and Travelling Showpeople. The grant for new and improved sites and pitches for 2008-11 is £17million. This is in addition to money for affordable housing.

What if councils refuse to provide new pitches?

Government has the power to instruct local authorities to provide pitches if there is a clear unmet need. If local authorities fail to do this they can be taken to court.

Do private sites count towards local authority allocations?

Private sites that have been granted planning permission since 2006 will count towards local authority pitch numbers.

CONSULTATION

How will the region decide how many sites are needed?

In 2007 and 2008 local authorities submitted advice to the Regional Assembly on how many new pitches are needed in their areas, based on their Gypsy and Traveller Accommodation Assessments. The Assembly has reviewed local authority numbers, as well as the approaches that were used, to make sure they are consistent and robust.

Councils in the region have advised us that an extra 1,064 pitches are needed for Gypsies and Travellers in the region by 2016, with up to another 302 pitches needed for Travelling Showpeople.

In summer 2008 Assembly members agreed to consultation on four options on the spread of new pitches across the region.

What were the options for distribution?

We asked for views on four options for how new pitches should be spread across the region:

- **Option A** - New spaces should ALL be provided as close as possible to where Gypsies and Travellers currently live. This may mean some council areas have no spaces.
- **Option B** - New spaces should ALL be in the same general areas where Gypsies and Travellers currently live. Neighbouring councils would share the duty for providing new spaces but some council areas would have none.
- **Option C** - HALF the new spaces should be in the same general areas where Gypsies and Travellers currently live. The other half would be spread across the region to make sure that all areas provide some spaces.
- **Option D** - MOST new spaces should be in the same general areas where Gypsies and Travellers currently live. A quarter would be spread across the region to make sure that all areas provide some spaces.

Will the public have a say?

Yes. The Assembly held a 12-week consultation (1 September to 21 November 2008). It asked people's views on different options for distributing new pitches across the region. Government will give the public a further opportunity to have their say in summer 2009.

Racist representations

When consulting about matters involving the Gypsy and Traveller communities, the Assembly is legally obliged to only take into account comments or objections that are made on material grounds, and to identify and challenge representations which are based on racial prejudice or discriminatory stereotypes of Gypsies and Travellers.

The Assembly is clearly required to exclude comments which are abusive, insulting or threatening to Gypsies and Travellers, or which attempt to stir up racial hatred or contempt.

However, racist representations need not be made intentionally or with malice, it is enough for a representation to be offensive to an ethnic group or make negative assumptions about them.

A representation may therefore discriminate against Gypsies and Travellers, by assuming or implying that negative behaviour, such as fly tipping or criminal activities are typical of all Gypsies and Travellers and are 'likely' to occur if an authorised site is established. A comment stating or implying that all members of the Gypsy and Traveller communities partake in antisocial behaviour or have a propensity to violence is also discriminatory. It is also discriminatory to assume or imply, without supporting evidence, that all Gypsies and Travellers do not pay council tax and constitute a financial burden on local authorities or society as a whole.

NEXT STEPS

What happens next?

On 4 March, the full Assembly will agree a preferred option for the number and spread of new pitches in the region.

The Assembly will recommend this option to Government, which will hold a 12-week consultation starting in June 2009.

Government consultation will be followed by hearings led by independent inspectors allowing regional organisations to give their views on the Assembly's recommendations.

The inspectors then make recommendations to Government on any changes they feel are needed to the Assembly's proposals. This will be followed by further Government consultation on any proposed modifications ministers feel are needed after the inspectors' recommendations are reviewed.

A final report is expected from Government in 2010.

The specific location for new sites and pitches will be decided by local authorities through their local development frameworks.

WHAT ARE OTHER REGIONS DOING?

Every English region is undertaking the same process, but all are working to different timescales. The East of England, which has the highest number of caravans in any English region, has finished consultation on initial proposals and has submitted its preferred approach to Government for approval.