



## Gypsies and Travellers: camp sites and trespass

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This note describes some law relating to Gypsies (Roma) and Travellers. It mainly covers issues relating to camp sites and trespass, including the *Anti-Social Behaviour Act 2003*. The issues arising when Travellers buy land and undertake unauthorised development upon it are covered in another note – [Gypsies and Travellers: unauthorised development](#). That note also includes the plan put forward by the Conservatives in March 2005. Another note, [Gypsies and Travellers: Parliamentary Activity](#) covers Parliamentary activity, including Private Members Bills and Select Committee reports. Issues relating to Article 8 of the European Convention on Human Rights are covered in [Human Rights Act and planning](#).

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## Contents

<b>1</b>	<b>Introduction</b>	<b>3</b>
<b>2</b>	<b>The present legal position</b>	<b>3</b>
2.1	The Criminal Justice and Public Order Act 1994	3
2.2	The European Convention on Human Rights	3
2.3	The <i>Connors</i> case and the Leeds City Council case	4
2.4	Difficulties faced by Gypsies	4
<b>3</b>	<b>The Anti-Social Behaviour Act and the 2004 Government Guidance</b>	<b>5</b>
3.1	The Anti Social Behaviour Act 2003	5
3.2	The guidance on managing unauthorised camping, 2004	6
<b>4</b>	<b>Does current law allow greater action against illegal encampments?</b>	<b>6</b>
<b>5</b>	<b>The Housing Act 2004 and the Planning Circular 2006</b>	<b>8</b>
<b>6</b>	<b>Comment on the current position in 2007 and 2008</b>	<b>12</b>
<b>7</b>	<b>Report calls for more caravan sites, July 2009</b>	<b>13</b>

# 1 Introduction

There are many aspects of the Travelling Community about which Parliament might be concerned, including problems that Travellers face in gaining access to education and social services. Unfortunately, most concern derives from illegal camping. Clearly that does not do justice to the Travelling Community. However, it does reflect serious problems in particular areas.

## 2 The present legal position

### 2.1 The Criminal Justice and Public Order Act 1994

This Act removed the obligation upon local authorities to supply caravan sites. It also amended the existing law so that Gypsies could be moved on without such sites necessarily being available. It looked at the time as if the Act provided considerable powers for local authorities to move on Gypsies without incurring any corresponding obligation. In practice, however, the powers have not been greatly used, partly because of legal judgements interpreting strictly the obligations of the authorities with respect to other welfare law.

To some extent, the legal position reflects the range of views held about the Travelling Community. The police and local authorities theoretically have strong powers to move Travellers on, particularly under the *Criminal Justice and Public Order Act 1994*, and the police can confiscate their caravans. However, there are also strong forces against the use of those powers. First, there is public opinion. Local police may not want to be shown on television to the rest of the population forcibly arresting or moving on a community involving women and children. Second, there are rights enshrined in other legislation with respect to welfare, including care for children and education. A court has ruled that the welfare position of each Traveller must be considered before any eviction.<sup>1</sup> That has proved an important ruling, deterring many authorities from trying to move Gypsies on. If there is a changing group of Gypsies on the land, the local authority may find that by the time it has investigated the needs of one group, there are now some different people on the land as well, so the whole process has to start again.

### 2.2 The European Convention on Human Rights

The third constraint is the European Convention on Human Rights. It is true that a case at the European Court of Human Rights in 1996 was decided in favour of the UK Government, supporting the view that human rights are not infringed by the requirement for planning permission when siting a caravan on one's own land.<sup>2</sup> However, the *Sweet & Maxwell Encyclopedia of Planning Law and Practice* suggested some comfort for Gypsies in the ruling.<sup>3</sup> It suggested that the majority was persuaded to side with the UK Government because of the care with which the responsible authorities had evaluated the rival claims of planning controls and respect for an individual's home. It suggested that the Court might be less sympathetic in cases of eviction under the 1994 Act (which had not been used in this particular case).

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<sup>1</sup> R v Lincolnshire County Council, ex parte Atkinson; R v Wealden District Council, ex parte Wales and ex parte Stratford; Queen's Bench Division (Sedly J), 31/8/95

<sup>2</sup> Buckley v United Kingdom (23/1995/529/615); European Court of Human Rights; 26 September 1996 Independent Law Report 10 October 1996

<sup>3</sup> Monthly Bulletin, September 1996 p 2

One way of looking at the position would be to suggest that the availability of a power to remove Gypsies from land without offering them anywhere else to go is not in practice a viable option in view of the framework of legislation protecting various rights of individuals.

### **2.3 The *Connors* case and the Leeds City Council case**

A case at the European Court of Human Rights in May 2004, *Connors v. the United Kingdom*, no. 66746/01 (Sect. 1) (Eng) – (27.5.04), granted the 20,000 Gypsies living in caravans on local authority sites the same tenancy rights as council house tenants. The *Times* reported in May 2004:

Local authorities previously had the right enshrined in law to evict Gypsies and Travellers without having to prove any justification and without those evicted having any right to challenge the decision in court. But the European Court of Human Rights judged that this was against their fundamental right to “a respect for private and family life”. It also said that not giving people in caravans the same rights of redress as people living in houses amounted to discrimination.<sup>4</sup>

Further details are available on the ECHR website. The relationship of this case to UK law was tested in a case in which Leeds Council had been trying to evict a family of Travellers from public playing fields. The House of Lords in this case dealt with the question of whether an eviction was incompatible with the European Convention on Human Rights. The *Times* reported on the judgement:

The travellers had claimed that Leeds City Council had breached their human rights under article 8 of the European Convention by evicting them from the land at Wakefield. But in a decision that will determine dozens of similar cases, the law lords said that their links with the site were not sufficiently established for it to be a home within the meaning of the convention, and therefore protected. Lord Hope of Craighead noted that they had been at the recreation ground for only two days when proceedings against them began...

Lord Bingham of Cornhill, the senior law lord, ruled: “There is nothing to suggest they could show continuous links with the land, as would be necessary if it were to be regarded as their home. If, however, the land is their home, it is plain that their eviction was in accordance with domestic proper law, which had the legitimate end of enabling public authorities to evict unlawful squatters from public land and restore it to public (in this case recreational) use. I can see no ground on which such action could be stigmatised as disproportionate, despite the personal afflictions to which these appellants were unfortunately subject.”<sup>5</sup>

### **2.4 Difficulties faced by Gypsies**

Some newspaper articles imply that evictions cannot take place at all, but that is not correct. The 1994 Act has had an effect, through removing from local authorities the duty to provide Gypsy caravan sites, as the following open letter in *Travellers Times* (August 2000, p 7) notes:

Since 1994 local councils have closed down 49 caravan sites which has put many of us back to travelling the highways and byways of this great country. We cannot stop more than a few nights at a time, we are told or ordered to move on. So we do. But it repeats itself over and over again, from John O’Groats to Lands End. Councils move us on to other councils.

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<sup>4</sup> “Gypsies win same rights as council house tenants”, *Times*, 29 May 2004

<sup>5</sup> “Lords ruling puts traveller families on notice to quit illegal camps”, *Times*, 9 March 2006

A book by the Cardiff University Traveller Law Research Unit in 2002 stated that councils and police forces across the UK had been wasting up to £18m each year on evicting Gypsies and Travellers from illegal encampments. It argued that that money should instead be spent on legal camps for those affected.<sup>6</sup>

In an adjournment debate on 19 May 2004, John Battle described how difficult the position of Travellers often is:

We cannot toughen up the law to move Travellers on if there is nowhere for them to go. Recently, in the neighbourhood of Wortley in my constituency, 12 caravans were parked on the Oldfield Road football pitches, which were moved off. They moved to Farnley park over the Easter weekend, making local football and cricket impossible. They were evicted and moved down to Hunslet, where they were evicted again and moved to another public park, Western Flats, in Wortley. They have been driven off the Western Flats and are now at Wortley recreational ground. They have received a notice to move on Friday.

Those 12 caravans belong to one family, who have lived in Leeds for generations. The family group includes an elderly man with Alzheimer's, a young child with pneumonia, a two-month-old baby who has never received appropriate medical attention because of the constant movement of the family, and a mother who recently collapsed and was in hospital for two days. Some of the children go to local schools in my constituency and are taken there every day by the Travellers education support unit. Since January, the caravans have been moved 50 times, so the children do not know where they are going home to after school. That is quite apart from the fact that the caravans are on sites without water or toilets, and are thus insanitary and quite inappropriate for families.

The endless round of court notices and eviction enforcements mean that families are pushed from pillar to post. Everybody, from settled neighbours to Travellers and their families becomes totally exasperated, and council officials and the local police are caught in the middle of many angry conflicts. The cause of the problem is the shortage of sites or pitches on which the caravans can stop. In practice, 30 per cent of Travellers in Britain are hounded from one unauthorised place to another, with all the associated problems of unofficial camping, clean-up costs and no chance of proper education for the children. Furthermore, poor living conditions have a detrimental impact on the health of Traveller families, who have the lowest life expectancy and the highest child mortality rates of any group in Britain.<sup>7</sup>

### **3 The Anti-Social Behaviour Act and the 2004 Government Guidance**

#### **3.1 The Anti Social Behaviour Act 2003**

The Labour Government has continued to operate within the same framework as the previous one, although with an increasing emphasis on the need for local authorities to provide sites. Parts of the *Anti-Social Behaviour Act 2003* came into force on 1 March 2004. They strengthen police powers, by amending the 1994 Act. The police were given powers to move on Gypsies or Travellers if there was a pitch on a relevant camp site (defined as one in the area of that local authority). In a sense the police already had similar powers. However, the new wording may make it easier for them to satisfy the courts that the Gypsies would not lose out on their social security and education entitlements.

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<sup>6</sup> "Gypsy legal action 'waste of money'", *BBC News Online*, 4 September 2002

<sup>7</sup> HC Deb 19 May 2004 cc1070-1

### **3.2 The guidance on managing unauthorised camping, 2004**

On 1 March 2004, the Government issued Guidance on Managing Unauthorised Camping, to coincide with bringing s.60 of the *Anti-Social Behaviour Act* into force.<sup>8</sup> It Guidance recommended that local authorities develop local policies for dealing with unauthorised camping:

The objectives of the policy are:

- To balance the rights and needs of resident communities with those of Gypsies and Travellers.
- To manage unauthorised encampments in an efficient and effective way taking account of the potential level of nuisance for local residents and the rights and responsibilities of Gypsies and Travellers.
- To work with partners in other authorities, the voluntary sector and the Police to address issues of social exclusion amongst Gypsy and Traveller communities.

The Guidance states that all local authorities should review the provision of sites for Gypsies and Travellers. Gypsies and Travellers should be involved in site planning and design. The provision of sites should be part of the policy of coping with unauthorised camping.

The following passage indicates the response considered appropriate by the Government in relation to unauthorised camping, although the full Guidance provides far more detail;

5.5 Wherever possible, local authorities and/or police should seek to prevent Gypsies and Travellers from establishing an encampment in an unacceptable location. Where this proves impossible, they should attempt to encourage the unauthorised campers to move to an authorised site where available. Identification of possible 'acceptable' sites could assist local authorities and the police in the management of unauthorised encampments in circumstances where there are no available pitches on authorised sites. If the unauthorised campers refuse to move from an unacceptable location, eviction processes (including appropriate welfare enquiries) should be commenced.

5.6 To be effective, such an approach requires a very swift response from the local authority and/or police. Ideally, initial contact should be made within 24 hours of the encampment being established.

A passage follows about the need to make welfare enquiries. The Guidance then considers the process if the local authority decides to go ahead with eviction. It describes the powers under the *Criminal Justice and Public Order Act 1994* and also the civil powers available to a landlord. He can obtain a possession order from civil courts requiring the removal of the trespassers from property, including land.

In other words, the Guidance seeks to strike a balance between the interests involved. It is not just a new procedure to allow easier eviction.

## **4 Does current law allow greater action against illegal encampments?**

In an adjournment debate in the House of Commons, Edward Garnier QC described how the law operated in his constituency when Gypsies set up an illegal encampment in a lane

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<sup>8</sup> <http://www.communities.gov.uk/publications/housing/guidancemanaging>

between fields. They caused considerable problems including drug dealing, noisy parties and dogs killing sheep, until the fields could no longer be used for grazing. He then argued that the 1994 Act could be used more often than it is.

Local authorities and the police are misleading themselves about the Criminal Justice and Public Order Act 1994 and recent case law. Section 61 gives the police a power to direct trespassers to vacate land. That power arises if the police believe

"that two or more persons are trespassing on land and are present there with the common purpose of residing there for any period, that reasonable steps have been taken by or on behalf of the occupier to ask them to leave and-

(a) that any of those persons has caused damage to the land or to property on the land or used threatening . . . behaviour towards the occupier . . . or

(b) that those persons have between them six or more vehicles on the land".

The police need only have reasonable grounds for believing the persons concerned to be trespassers... Section 77 enables a local authority to serve a direction requiring persons to vacate land, the failure to comply with which may also constitute a criminal offence. However, there are some important differences between section 77 and section 61. The power in section 77 arises if persons are residing in only one vehicle on land in an authority's area. The requirement of at least six vehicles does not apply. It applies if vehicles are located on highway land, unoccupied land or occupied land without the consent of the occupier.

Even for an occupation of fewer than six vehicles, there is no requirement that any of the criminal conduct referred to in section 61 should have occurred for section 77 to apply. An offence is committed under section 77 when a person knowing of the direction fails to leave the land as soon as practicable...

Local authorities and police forces have placed reliance on the case of *R. v. Lincolnshire county council and Wealden district council ex parte Atkinson*, which was decided by Mr. Justice Sedley in 1996. They have also been influenced by the Department of the Environment circular 18/94. That case and that circular gave some police forces the false impression that the same principles enunciated by the judge in the Wealden case apply to orders issued by the police or local authorities under the 1994 Act. Some police forces think that inquiries about education, housing, social service needs and similar matters have to be made before a local authority direction can be made, and that, before the police can invoke their powers under the Act, account should be taken of the personal circumstances of the travellers.

The judge in the Wealden case did not analyse section 61 of the 1994 Act in detail. His decision was based as much on the statutory duties placed on local authorities under the Children Act 1989 and the Housing Act 1985, as well as the obligation on local education authorities to provide education for all children of school age in their area. The Wealden judgment does not support the view that a local authority or chief constable owes a duty of care to trespassers who are the subject of action under section 61. The function of the police is to enforce the law. It is not their primary duty to take a view on social welfare. There is no legal basis for asserting that the police are under a legal duty to take social factors into account before acting under section 61. The annexe to the Home Office circular 45/94 does not suggest that the Wealden case is relevant, or that any such duty applies...<sup>9</sup>

A subsequent adjournment debate summed up the problem neatly, with the constituency member describing the extensive disruption caused by the unauthorised Gypsy

encampments. The Minister pointed out that the site had been derelict for 25 years, described the legal options that had not been taken up and regretted that the council was making no provision for authorised sites in its district plan<sup>10</sup>

In a Westminster Hall Debate on 15 January 2002, the Minister (Angela Eagle) stressed that Travellers should be accorded the same human rights as others. She argued that human rights considerations did not prevent the use of law to prevent illegal trespass leading to antisocial or criminal behaviour.<sup>11</sup>

## 5 The Housing Act 2004 and the Planning Circular 2006

*The Housing Act 2004* s.225 requires that every local housing authority must, when undertaking a review of housing needs in their district under section 8 of the Housing Act 1985 (c. 68), carry out an assessment of the accommodation needs of Gypsies and Travellers residing in or resorting to their district. They must take this strategy into account when exercising their functions.

This fits in with the Government's *Planning Policy Statement 3; Housing*. In particular:

### Achieving a mix of housing

20. Key characteristics of a mixed community are a variety of housing, particularly in terms of tenure and price and a mix of different households such as families with children, single person households and older people.

21. Regional Spatial Strategies should set out the region's approach to achieving a good mix of housing. Local Planning Authorities should plan for a mix of housing on the basis of the different types of households that are likely to require housing over the plan period. This will include having particular regard to:

- Current and future demographic trends and profiles.
- The accommodation requirements of specific groups, in particular, families with children, older and disabled people.
- The diverse range of requirements across the area, including the need to accommodate Gypsies and Travellers.<sup>12</sup>

In other words, planning authorities have to take into account the needs of Gypsies and Travellers when preparing plans. *Planning Circular 01/06: Planning for Gypsy and Traveller Caravan Sites* explained how the planning system would ensure adequate site provision:

### Gypsy and Traveller Accommodation Assessments (GTAAs)

20. The assessment of gypsy and traveller accommodation needs is integral to assessment of general accommodation needs. The new planning process will begin by local authorities assessing gypsy and traveller accommodation needs as part of the gypsy and traveller accommodation assessment (GTAA) process.

21. The data collected through the GTAA process will inform the preparation of Development Plan Documents (DPDs) through the process described below. One of the tests of soundness of a submission DPD at its examination will be whether it is founded on robust and credible evidence. The need identified by the GTAA could

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<sup>9</sup> HC Deb 16 July 1997 cc 367-373

<sup>10</sup> HC Deb 10 May 1999 cc 84-96

<sup>11</sup> HC Deb 15 January 2002 cc 67-69 WH

<sup>12</sup> DCLG, [Planning Policy Statement 3: Housing](#), 2006

include gypsies and travellers who do not fall within the definition at paragraph 14. This need should still inform the amount of land to be identified by the planning system. This is necessary to ensure local authorities have flexibility to allocate adequate land for their own sites to provide for those they have assessed as in need of caravan accommodation.

Further guidance on this can be found in draft guidance document Gypsy and Traveller Accommodation Assessments.

#### Regional Spatial Strategy (RSS)

22. The information from GTAAs on gypsy and traveller need for sites will, as with other housing needs, be a key component in the overall assessment of need which informs the housing policies in the RSS. The regional view of the body responsible for the Regional Housing Strategy (RHS) can help inform the preparation of policies in a draft revision of a Regional Spatial Strategy (RSS).

23. The RSS revision should identify the number of pitches required (but not their location) for each local planning authority in the light of the GTAAs and a strategic view of needs across the region.

24. Regional Planning Bodies (RPBs) should maintain an up-to-date understanding of the likely strategic accommodation requirements of their areas over the lifespan of their RSSs, which should inform the preparation and review of RSSs. In allocating pitch numbers by local planning authority, RPBs should work in concert with the body developing the RHS in their region, with housing providers, with adjoining regions where appropriate and with RPBs' constituent local authorities. This should include county councils who will have relevant expertise due to their historical responsibility for gypsy and traveller issues. It is important that there is a common evidence base, prepared in partnership with stakeholders, in particular with gypsy and traveller housing providers, to inform the RHS, RSS, Local Development Frameworks (LDFs) and other relevant regional and local strategies.

25. The draft RSS revision is subject to an examination in public at which representatives of the gypsy and traveller community, and local residents may be invited to give evidence. The examining Panel will then report to the Secretary of State who will consider the Panel's recommendations and any representations before proposing any changes to the RSS (NB: this does not apply to the SDS in London, where the Mayor will consider the Panel's recommendations).

26. Pitch numbers could be identified by sub-regional area if a joint DPD were produced. A joint DPD could be prepared, with the agreement of the local planning authorities involved, on a county wide or other sub-regional basis.

#### Community Involvement

27. It is expected that at an early stage in the preparation of RSSs and DPDs planning authorities will discuss gypsies and travellers' accommodation needs with gypsies and travellers themselves, their representative bodies and local support groups. A list of some relevant contacts is given in Annex A, although it should be stressed this is not exhaustive. Gypsies and travellers should also be proactive in ensuring that they engage with local planning authorities to ensure that their views are taken into account.

28. Under the Planning Act (2004) local planning authorities are required to prepare a Statement of Community Involvement (SCI), in which they set out their policy on involving their community in preparing local development documents and on consulting on planning applications.

29. Local planning authorities should put in place arrangements so that communication with gypsies and travellers is direct and accessible, and conflict and tensions are minimised. Identifying and understanding the needs of groups who find it difficult, for a number of reasons, to engage with planning processes is essential. One such difficulty is a lack of resources. As with all other sections of the community, local planning authorities should consider what funding sources are available for such groups. One such potential source of assistance is Planning Aid, contact details for whom can be found in Annex F of this circular. SCIs will be examined during their preparation by Planning Inspectors to ensure that such consultation and involvement will take place, and is sound.

#### Development Plan Documents (DPDs)

30. The number of pitches set out in the RSS must be translated into specific site allocations in one of the local planning authority's DPDs that form part of the LDF.

31. The core strategy should set out criteria for the location of gypsy and traveller sites which will be used to guide the allocation of sites in the relevant DPD. These criteria will also be used to meet unexpected demand.

32. These criteria based policies must be fair, reasonable, realistic and effective in delivering sites. The adequacy of any criteria will be subject to greater scrutiny under changes to the new planning system introduced by the Planning Act (2004). Planning policies that rule out, or place undue constraints on the development of gypsy and traveller sites should not be included in RSSs or DPDs. The Government has powers to intervene in the plan-making process where it considers that the constraints being proposed by local authorities are too great or have been inadequately justified. This will include where a local planning authority does not adequately address gypsy and traveller site provision in its area.

33. Local authorities must allocate sufficient sites for gypsies and travellers, in terms of the number of pitches required by the RSS, in site allocations DPDs. A requirement of the Planning Act (2004) is that DPDs must be in general conformity with the RSS. Criteria must not be used as an alternative to site allocations in DPDs where there is an identified need for pitches. Local planning authorities will need to demonstrate that sites are suitable, and that there is a realistic likelihood that specific sites allocated in DPDs will be made available for that purpose. DPDs will need to explain how the land required will be made available for a gypsy and traveller site, and timescales for provision.

34. Identifying and allocating specific plots of land is a more difficult process than using a solely criteria based approach. However it ensures some certainty for local people and gypsies and travellers when planning applications are determined by local planning authorities, or appeals are considered by the Secretary of State.

35. There are a number of ways in which local authorities can identify specific sites and make land available.

a) Local authorities have discretion to dispose of land for less than best consideration where it will help to secure the promotion or improvement of the economic, social or environmental well-being of the area, as set out in ODPM Circular 06/03.

b) Authorities should also consider making full use of the registers of unused and under-used land owned by public bodies as an aid to identifying suitable locations. Vacant land or under-used local authority land may be appropriate.

c) Authorities should also consider whether it might be appropriate to exercise their compulsory purchase powers to acquire an appropriate site.

d) Cooperation between neighbouring authorities, possibly involving joint DPDs, can provide more flexibility in identifying sites. Such cooperation is particularly important where an authority has strict planning constraints across its area.

36. Local planning authorities should facilitate early involvement in the preparation of DPDs (front-loading) by consulting with the community and all stakeholders. Frontloading is particularly important when the DPD is dealing with site allocations. Local planning authorities should ensure that sites are brought forward early in the process so that the community can be consulted, and they can be subjected to sustainability appraisal. Gypsies and travellers (or other site developers) may also bring forward sites through the DPD process. Those wishing to do so should also ensure sites are brought forward early. National planning policy on front-loading, community involvement, and sustainability appraisal in the LDF revision process can be found in PPS12.

37. All DPDs are subject to independent examination. The conclusions reached by the Inspector appointed to examine a submitted DPD are binding. The local planning authority must incorporate the changes required by the Inspector, and then adopt the DPD. The conclusions which the Inspector may reach include;

a) that the authority is required to undertake additional work before the DPD can be adopted/examined further;

b) that part(s) of the DPD should be excluded or changed;

c) that part of the DPD should be excluded and brought forward as part of a revised or new DPD; and/or

d) that additional material should be included in the DPD.

A further more serious conclusion could be that a DPD/part of a DPD is unsound. This could lead to a recommendation that the document be withdrawn.

38. Where the local planning authority has not allocated sufficient sites for gypsy and traveller need identified by the accommodation assessment process, the Inspector could recommend that the DPD is altered to include additional sites. However the inspector can only do this where suitable sites have been identified earlier in the plan-making process and it is clear how such sites comply with the tests of soundness set out in PPS12 (paragraph 4.24), and how the procedural and sustainability appraisal processes have been undertaken. It is therefore the responsibility of those promoting the inclusion of such sites to show that correct procedure has been followed.

39. There are also requirements for annual monitoring by both the RPB and the local planning authority. The Planning Act 2004 makes clear that one of the main purposes of annual monitoring reports is to consider whether implementation of the RSS or LDF is being achieved in line with the purposes of the RSS or LDF. If it is not, then regulations require the RPB or local planning authority to set out the reasons why it thinks the policy is not being implemented and what it intends to do about it.

40. Local authorities will also need to have regard to their statutory duties, including those in respect of homelessness under Part VII of the Housing Act 1996 and to their

obligations under the Race Relations Act 1976 as amended by the Race Relations (Amendment) Act 2000.<sup>13</sup>

## 6 Comment on the current position in 2007 and 2008

In July 2007 an adjournment debate presented the familiar list of problems resulting from unauthorised encampments. The reply by the Minister (Iain Wright) stressed the benefits of the new policy:

Site provision will reduce the amount of resources that authorities spend on costly enforcement action. As my hon. Friend mentioned, this has been estimated by the Commission for Racial Equality at £18 million a year, and described by the Audit Commission in relation to one local authority as a "wasteful use of resources". Bristol city council has seen its enforcement costs drop from £200,000 to £5,000 a year since building a new authorised site. One result of that saving has been that its leisure services department has been able to spend an additional £40,000 a year improving the environment through investment in local parks and open spaces. I am sure that that approach is relevant and pertinent to my hon. Friend's experience, and I hope that she will take it up and begin to implement it in her constituency.

The provision of authorised sites also makes it quicker and easier to take enforcement action where unauthorised camping does take place. A range of powers are available to landowners, local authorities and the police to deal with unauthorised encampments, where Gypsies and Travellers camp on land that they do not own. Those range from common law powers and civil procedures in the county court, to the powers of local authorities and the police to direct trespassers to leave land in certain circumstances<sup>14</sup>

On 11 December 2007, the Government announced a further £97m to support Gypsy sites over the next three years.<sup>15</sup>

An adjournment debate in January 2008 raised doubts about reliance on site provision:

**Jim Sheridan (Paisley and Renfrewshire, North) (Lab):** In my experience, the problem is that when we provide camps for travelling people or Gypsies, they then trash the camps. If there is a camp they have to live in it, but they want to travel throughout the country. The legislation means that if a camp is provided, they have to go to it. In my experience, they trash the camp so that they can go wherever they want in the community.<sup>16</sup>

**Brian Donohoe** gave examples of the problem:

My hon. Friend the Member for Paisley and Renfrewshire, North (Jim Sheridan) has mentioned litter already, but another problem is the dumping of waste. For example, the local authority in my area gave Travellers Portaloos, but they were dumped in the skips that the authority had supplied for their rubbish and set alight. That is the sort of person that we are dealing with: I know that there are some good ones among them, but that story is typical of our experiences with them. Other problems include people on the beach park at Irvine being intimidated while out running or walking their dogs, and being told that they have no right to be there. Constituents of mine have been shot at by the travelling people, and the House would find it hard to believe the sort of debris—from building work being undertaken on their behalf—that has been left when

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<sup>13</sup> ODPM Planning Circular 01/06, *Planning for Gypsy and Traveller Sites*, 2 February 2006

<sup>14</sup> HC Deb 4 July 2007 c1063

<sup>15</sup> DCLG Press Release, *New drive to improve Gypsy and traveller site provision*, 11 December 2007

<sup>16</sup> HC Deb 30 January 2008 c439

Travellers leave a camp. Also, Travellers are guilty of selling items without having a trading licence, and we have sometimes found that their caravans have been illegally imported, with no duty paid.<sup>17</sup>

The Minister, Iain Wright reiterated the Government policy on site provision and included a passage on enforcement:

Our task group on site provision and enforcement—chaired by Sir Brian Briscoe, a former chief executive of the Local Government Association—has reviewed the operation of enforcement powers and taken evidence from local authorities and others involved in using the powers. My hon. Friend the Member for Central Ayrshire asked whether we need more legislation. In its final report, “The Road Ahead” published in December, the group concluded that the scope and nature of existing enforcement powers are sufficient, but that considerable improvements could be made to the way in which they are used. We are committed to ensuring that those improvements are made.<sup>18</sup>

## **7 Report calls for more caravan sites, July 2009**

In July 2009, a DCLG progress report called for further action at a local level:

The current position on site delivery remains unsatisfactory. It is clear that local authorities need to increase the pace at which suitable locations are identified that can be used as Gypsy and Traveller sites. Although the Government recognises the difficulties that can arise, it considers that with strong leadership at the local level, authorities can make rapid progress in addressing what is, in numerical and land-use terms, a relatively small level of need. The identification of suitable locations for authorised sites will help to reduce the number of unauthorised developments and encampments can create tensions between Gypsies and Travellers and the settled population.<sup>19</sup>

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<sup>17</sup> HC Deb 30 January 2008 c440

<sup>18</sup> HC Deb 30 January 2008 c445

<sup>19</sup> DCLG, [Progress Report on Gypsy and Traveller Policy](#), July 2009