PROVIDING GYPSY AND TRAVELLER SITES: CONTENTIOUS SPACES

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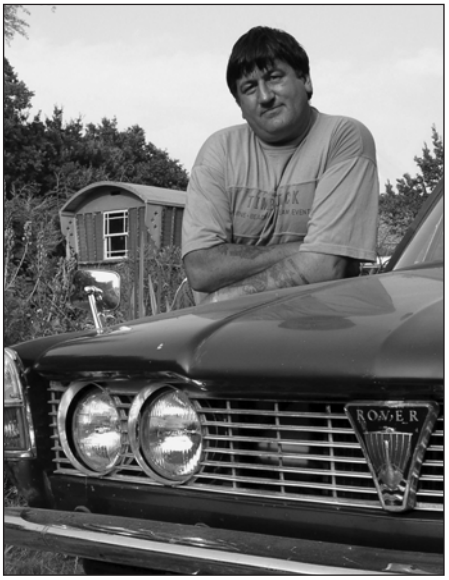

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JOSEPH ROWNTREE FOUNDATION

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Joanna Richardson

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Contents

Acknowledgements		**vii**
Summary		**1**
Chapter One:	**Introduction**	**5**
	Definitions	6
	Background	8
	Housing and planning policy context	10
	Recent history of barriers to local authority site provision	12
	Key current legislation and policy	14
	Literature review – current reports and guidance	15
	Conclusion	18
Chapter Two:	**Research design and the case studies**	**19**
	Introduction	19
	Research design	19
	Case study portraits	20
	Conclusion	28
Chapter Three:	**Conflict resolution**	**29**
	Introduction	29
	The context for Gypsies and Travellers	29
	NIMBY/NIMTO	33
	Conflict mapping	34
	From conflict to cohesion	37
	Conclusion	38
Chapter Four:	**Findings: Providing Gypsy and Traveller sites**	**39**
	Introduction	39
	Theme One: Context for debate: public and media perception of Gypsies and Travellers	40
	Theme Two: Managing sites, unauthorised encampments and unauthorised developments	45
	Theme Three: Proposing new sites: good communication policies with clear and simple criteria for site selection	51
	Theme Four: Strong leadership: from councillors and senior executive	60
	Conclusion	66
Chapter Five:	**Conclusions and Policy Implications**	**67**
	Introduction	67
	Foundation Stone One: Setting a positive context for debate	67

Foundation Stone Two: Management of authorised sites and unauthorised encampments and developments 68
Foundation Stone Three: Effective consideration of new sites and positive communications policies 69
Foundation Stone Four: Strong leadership 70
Guidance for decision-makers 71
Education and support for officers 71
The process for developing Gypsy and Travellers sites 72
Conclusion 74

References **77**

Appendices **83**
One: Summary of key legislation and guidance 83
Two: Summary of public objection comments 86

List of Figures

1.1 Niner's 2003 survey of local authorities 13
2.1 Comparison of case study areas 27
3.1 The cycle of exclusion 31
3.2 Example: Conflict map 36
3.3 Example: Force field analysis 36
4.1 Example of the impact of poor design 55
4.2 Example of good practice in site design 56
4.3 Two different approaches to site provision 59
4.4 Two different site consultation plans 61
5.1 Steps to successful site development 72

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Executive Summary

Policy content of the study

This research set out to examine the barriers to new Gypsy and Traveller site provision and to analyse some of the methods for conflict resolution, in the context of the recent introduction of a legal requirement for councils to assess the accommodation needs of Gypsies and Travellers in England, and to incorporate sites in local development plan documents where a need is demonstrated. The issue is often contentious and open to public opposition; and this report sought to learn from a range of different experiences and approaches.

The study is based upon findings from six case study local authority areas across England, each at a different stage on accommodation provision for Gypsies and Travellers. The research should also have wider relevance for local authorities in Wales, as the legal duty to assess needs is also applicable. The Welsh Assembly Government (WAG) is drafting a Circular on the issue and local authorities have already been encouraged to undertake Gypsy and Traveller Accommodation Needs Assessments (GTAAs). In Wales, any need identified will be incorporated into local housing strategies, and, as in England, the outcome of GTAAs must inform local development plans.

The case studies

Local authority case studies for this research ranged from one area with no existing public or private provision for Gypsies and Travellers, and with a recent council vote against inclusion of two sites in the development plans, to another local authority with five council-run sites, a large network of small private sites, and plans for a further site at the consultation stage. One of the case study areas was unique in the study in that it already had sites in its Local Plan, and it had recently granted planning permission, with little objection, to redevelopment of an existing site.

Main themes

The debate around site provision in the research findings centred on four main themes:

- The local context for the debate relating to media and public perceptions of Gypsies and Travellers.

- Management of existing sites for Gypsies and Travellers and unauthorised encampments and developments.
- Communication of new site proposals and site selection criteria.
- Leadership and political will to address the issues.

Public controversy on these issues is common and there can be political conflict in responding to this agenda at a local level. The issues raised are therefore discussed within the context of conflict resolution concepts, such as Dear's (1976) three-stage cycle of conflict, and examples of tools to map and analyse local conflicts are also given to inform responses.

Foundation stones

During interviews with officers at local authorities and other agencies, it became clear that there were a number of core foundation stones that needed to be in place before site provision could be successful. These foundation stones are:

- **Setting a positive context for debate** – addressing the public and the local media perception of Gypsies and Travellers that can affect decision-making on future site provision.
- **Effective management of sites and unauthorised encampments and developments** – where existing sites are well managed, and seen to be well managed, this can lead to a more positive local understanding of Gypsies and Travellers and helps the community trust the council when it proposes new sites. Where unauthorised encampments and developments are managed appropriately, this too helps to build trust with all members of the community.
- **Effective consideration of new sites** – good communication policies setting out clear and simple criteria for new site selection are important in promoting positive responses to proposals, while poorly managed consultation can undermine plans.
- **Strong leadership** – leadership both from senior level local authority officers, but even more importantly from councillors, particularly leaders of councils, and portfolio holders for housing or equality issues, was a critical issue in setting a positive tone for addressing Gypsy and Traveller housing needs. Support from the police, health and education was also important.

The legal, business and moral cases for site provision

Interwoven with these foundation stones are 'cases' which were cited, particularly by councillors, as the rationale behind making proactive decisions to provide new sites. Local authority staff and other agencies can

and should draw upon these different points to engage councillors, and the wider public.

Legal case

- The Housing Act (2004), Circular 1/2006, Planning and Compulsory Purchase Act (2004), Homelessness Act (2002), Race Relations Act (1976) as amended by the Race Relations (Amendment) Act (2000) and Human Rights Act (1998) requirements all place duties upon local authorities which are relevant.

Business case

- Government funding for sites: (£56 million) has been made available to support new site provision.
- Cost of non-provision: it can be costly to clean up after unauthorised encampments and unauthorised developments.

Moral case

- Inequality concerns: life expectancy differs between Gypsies and Travellers and the wider population and inability to settle can affect access to education, health and employment.
- Political context: social inclusion, community cohesion and sustainable communities policy agendas all provide grounds for considering these issues.

Political will and strong leadership is vital, and there was evidence that the councillors who did sign up to support new provision of sites felt they could support their decision on one or more of these three 'cases' – legal, business, and moral. This research suggests a number of recommendations, including support for decision-makers, perhaps through the development of a 'tool-kit', on a regional basis, which local politicians could draw on for factual evidence, and for guidance on dealing with the media and with objectors.

Chapter One
Introduction

This research project examines how local authorities can effectively respond to the legal requirements to assess Gypsy and Traveller accommodation needs, and, where need is identified, include sites in local development plan documents. It examines this in the context that Gypsy and Traveller sites are viewed, by many, as contentious spaces.

The report analyses some of the reasons for misunderstanding between the 'settled' community and Gypsies and Travellers; and it suggests methods of conflict resolution drawing on analysis of six case study local authority areas. The work focuses on England but may have resonance in other parts of the UK where there is contention on accommodation for Gypsies and Travellers.

The two key aims of the study were to find out:

- how local authorities can plan for appropriate accommodation for Gypsies and Travellers, particularly focusing on site provision; and
- how any community conflict that arises can be resolved.

The context and background to the issues is provided in this chapter, and includes an examination of the legislative and policy framework for the provision of new Gypsy and Travellers sites. In Chapter Two, the research methodology is outlined and the case study characteristics in the six areas are explored. The conflict resolution context and theory is examined in Chapter Three, in order to frame the findings on a number of themes in Chapter Four. These themes are cross-cutting and link into the two key aims of the research, but they can largely be discussed according to four issues for site provision:

- developing a positive context for exploring the debate, including from the local media;
- effective management of existing authorised and unauthorised sites;
- effective consideration of new sites with clear, well managed communication of proposals and
- strong political leadership to set the context for action.

These themes are linked to three 'cases' on which decisions over site provision tend to be made – the legal case, the business case and the moral case. Chapter Five offers some conclusions and recommendations arising from the findings.

Definitions

Gypsies and Travellers

In legal terms, defining Gypsies and Travellers as a group has been difficult. The courts have established that Gypsies and Irish Travellers are ethnic groups for the purposes of the Race Relations Act 1976 (as amended by the Race Relations (Amendment) Act 2000) (Commission for Racial Equality v Dutton, 1989 and O'Leary and others v Punch Retail, 2000).

In another case, it was found that a person's occupation of their caravan is part of their ethnic identity (Chapman v United Kingdom (2001)). Previously, the focus has been on the nomadism of Gypsies and Travellers, as part of any legal definition. However, the Department for Communities and Local Government (CLG), recognised the difficulties around the concept of 'settled' Travellers; and it included the concept in Circular 1/2006.

By the end of 2006, Statutory Instrument No.3190 (2006) was implemented, in order to resolve the definition of Gypsies and Travellers in relation to the duties under the Housing Act 2004 as noted in the box below.

For the purposes of section 225 of the Housing Act 2004 (duties of local housing authorities: accommodation needs of gypsies and travellers) "gypsies and travellers" means:

(a) persons with a cultural tradition of nomadism or of living in a caravan; and

(b) all other persons of a nomadic habit of life, whatever their race or origin, including -

(i) such persons who, on grounds only of their own or their family's or dependant's educational or health needs or old age, have ceased to travel temporarily or permanently; and

(ii) members of an organised group of Travelling Showpeople or circus people (whether or not travelling together as such).

Legal definitions, particularly in planning legislation, tend to refer to 'gypsies and travellers' but it is good practice to recognise that Romany Gypsies and Irish Travellers are recognised as ethnic groups under the race relations legislation; as such this report will use capitals to denote this and will refer at all times to 'Gypsies and Travellers'.

Working within the guidance from government, the following groups tend to be specifically included as categories for respondents to 'self-define' in Gypsy and Traveller Accommodation Needs Assessment (GTAA) surveys:

- Romany Gypsies;
- Irish Travellers;
- New Travellers;
- Welsh Travellers;
- Scottish Travellers; and
- Travelling Showpeople (as defined in Circular 22/91).

Throughout this report, the term Gypsies and Travellers is used to encompass a wide range of different groups. There are many different groups of Gypsies and Travellers, spanning a range of cultures, heritage and race, such as Romany Gypsies, Irish Travellers, Welsh and Scottish Travellers. A number of books have been written about the cultural history of the travelling communities; see Acton (1974, 1994 and 2000), Acton and Mundy (1997), Clark and Greenfields (2006), Hancock (2002), Kenrick and Clark (1999), Hawes and Perez (1996), Mayall (1995), Okely (1983) and Tong (1998). An examination of the history and culture of the differing groups of Gypsies and Travellers is not possible within the confines of this research. However, it should be acknowledged that the history and culture of Gypsies and Travellers is integral to their 'definition'.

Despite the differences in heritage and culture, one of the issues that Gypsies and Travellers have in common is their difficulty in being accepted by wider society and the problems in finding a place to stay and settle.

'Gaujos'/ 'settled community'

'Gaujo' (spelt in a variety of different ways) is a term used by Gypsies and Travellers to describe non-Gypsies and Travellers. 'Settled community' is also used in a variety of literature to describe members of the community, who are not Gypsy or Traveller by ethnicity or culture and who live in bricks and mortar housing. It should be noted though that there are difficulties in using such simplistic definitions and terminology. For instance, many Gypsies and Travellers live in housing, and are often difficult to identify as Gypsies and Travellers.

There is a danger that 'Gypsies and Travellers' and 'settled community' can be viewed as mutually exclusive and opposing terms, when in fact the reality is much more complex than that. Nevertheless, there is a need for some generalisation in defining social groups, and 'Gypsies and Travellers' and 'settled community' are used as such throughout this report.

Sites

Sites vary in type and size and can range from one-caravan private family sites on Gypsies' and Travellers' own land, through to large local authority sites. Authorised private sites (those with planning permission) can be small, family-run, or larger, privately-owned rented sites. This is an important distinction, as when Gypsies and Travellers in some Gypsy Traveller Accommodation Needs Assessments state a preference for 'private' sites, they tend to be referring to smaller, family-run, accommodation. Unauthorised sites (those without planning permission) can be either on private Gypsy-owned land, in which case they are unauthorised developments, or on public or private land, or the roadside, without the owner's consent, in which case they are unauthorised encampments.

Local authority sites may not necessarily be 'permanent', indeed there are a number of councils which run 'transit' sites where occupants might stay for a few months and then move on and not return for the remainder of the year. Temporary stop sites are also being considered by some local authorities, which might accommodate Gypsies and Travellers for a short stay, for example, a maximum of 28 days.

A variety of sites is needed to meet a range of needs, whether it is to accommodate a family who want to 'settle' in an area and live there permanently, or whether it is for Gypsies and Travellers passing through an area for work, or a festival or fair, for just a short period of time each year.

Caravans/pitches

On sites there are a number of 'pitches' and in some local authority policies, there is an optimum number for caravan capacity on council-run sites. In the absence of a defined 'caravan capacity' one can make an assumption, for the purposes of assessing number of pitches required to meet need, of 1.7 caravans per pitch (CLG, 2007), although some sites are overcrowded and have a higher density than this. Caravans can be large and static (these tend to be referred to as 'trailers' by Gypsies and Travellers) or smaller, mobile 'tourers'. There may also be more 'structural' types of accommodation on site, such as chalet style bungalows. Utility blocks are also included on a number of local authority permanent sites and these might include a small kitchenette and shower-room.

The number of caravans needed by a family will depend on the age and gender of the children, and on a range of Gypsy and Traveller customs and traditions. It is important that Gypsies and Travellers are consulted in site design and site management, by the local authority liaison officer, for this reason.

Background

Gypsies and Travellers live in most member states of Europe and it is estimated that there are approximately ten million people in these groups, across the continent (Gil-Robles, 2006a: 4). The size of Britain's Gypsy and Traveller population is also an estimate, with Council of Europe figures putting it at about 300,000, with approximately 200,000 in settled housing (Crawley, 2004: 6). However, it should be noted that these numbers are estimates and there is no exact calculation of how many Gypsies and Travellers live in England, or indeed in Europe. The Department for Communities and Local Government (CLG) oversees a national bi-annual count of Gypsy and Traveller caravans, but this still does not allow for accurate data; perhaps, most significantly, the count does not include housed Gypsies and Travellers. Indeed, Niner (2004b) has provided advice to the government on how the Gypsy Count can be improved. Nevertheless, in the absence of any national picture of Gypsy/Traveller need in England, the CLG Count provides the only data at a national level at present.

Understanding of Gypsies' and Travellers' present and future needs is evolving, from the Gypsy Traveller Accommodation Needs Assessments being carried out by local authorities across England and Wales. These are due to be complete by the end of 2007 and this should provide more detailed information on a national basis about site requirements. The CLG Count data meanwhile suggests that in July 2006 there were 16,313 caravans of which 6,497 were on local authority sites, 5,815 on authorised private sites, 2,234 on unauthorised developments and 1,767 on unauthorised encampments. This disjuncture between the number of sites and the estimated population numbers and the numbers of caravans on unauthorised sites demonstrates the continued lack of resources and sites for Gypsies and Travellers in England.

Gypsies and Travellers continue to face discrimination and harassment in England. Despite the fact that for more than thirty years legislation has been in place to tackle discrimination on the grounds of race, this does not seem to have had the same impact for Gypsies and Travellers, as for some other Black and Minority Ethnic groups. Extreme political parties are partly responsible for the discrimination and harassment; but so too are the media, politicians from the mainstream parties, and the general public. The Commission for Racial Equality's Trevor Phillips said, at the launch of their draft Gypsy and Traveller Strategy in October 2003:

> *For this group, Great Britain is still like the American Deep South for black people in the 1950s. Extreme levels of public hostility exist in relation to Gypsies and Travellers – fuelled in part by irresponsible media reporting of the kind that would be met with outrage if it was targeted at any other ethnic group.* (Trevor Phillips quoted in Crawley, 2004: 2)

There are also issues of inequality in health, access to education and employment with the wider population. Parry *et al*. (2004) note that, *'There is now little doubt that health inequality between the observed Gypsy Traveller population in England and their non-Gypsy counterparts is striking, even when compared with other socially deprived or excluded groups and with other ethnic minorities'* (page 2). This health study, and other reports, highlights that Gypsies and Travellers face increased infant mortality, lower life expectancy and difficulty in accessing health care. There is also a significantly higher chance of long term illness; *'The scale of health inequality between the study population and the UK general population is large. There was more than twice the prevalence of limiting long-term illness and significantly poorer reported health in Gypsy Travellers'* (ibid. page 65). Issues around education and the travelling population are discussed in CLG's (2006) *Improving Opportunity, Strengthening Society* which notes that *'Gypsy, Roma and Traveller pupils have the lowest attainment levels of any ethnic group'* (page 15). These social inequalities are an important underlying concern in considering overall service provision and responses to Gypsies and Travellers.

Housing and planning policy context

The vision of government is that, *'Everyone should have the opportunity of a decent home at a price they can afford, in sustainable communities where they want to live and work'* (www.communities.gov.uk). A number of key housing policies feed into this vision and recently there has been renewed impetus around increasing housing provision. The Barker Review of Housing Supply, in 2004, stated a need for more house-building to meet a growing demand, particularly for 'affordable' housing. The target in the Barker Review was 200,000 new homes each year. This aspiration has since been superseded by the housing green paper, issued in July 2007, which included a target of 240,000 new homes every year up to 2016. The target for affordable house building is that by 2010-2011 70,000 of the 240,000 new homes per year will be for affordable rented or shared ownership. The government stated that the new house building targets would be backed up by £8 billion of investment. The drive for change follows government commissioned reviews by John Hills, examining the role and future of social housing, and Martin Cave's Review, which has examined how social housing should be regulated. The Hills' Review stated that there was a clear role for social housing in England but that it should provide a greater platform for social mobility, while the Cave Review set out new proposals to make regulation more responsive and transparent. The government has also reviewed the functions of the public bodies and agencies involved in housing and regeneration, and announced the creation of a new agency, which brings together functions of the Housing Corporation and English Partnerships with some central government functions. The housing green paper (July 2007) confirmed that the *New Homes Agency* would bring together English Partnerships, investment functions from the Housing Corporation and key delivery roles from CLG.

Alongside increased policy attention to housing supply, there has been growing interest among national policy-makers in the concept of delivering mixed, balanced, sustainable and inclusive communities. Town planning and housing policies have been at the core of these initiatives. The government's Planning Policy Statement 3 (PPS 3) places considerable emphasis on sustainable communities.

> *The Government is seeking…to create sustainable, inclusive, mixed communities in all areas, both urban and rural…Key characteristics of a mixed community are a variety of housing, particularly in terms of tenure and price and a mix of households such as families with children, single person households and older people.* (DCLG, 2006: 3)

The 'Sustainable Communities Plan' (ODPM, 2003) and 'Homes for All' (ODPM, 2005) place emphasis on economic, environmental and social sustainability for current and future generations as well as taking account of the impact on other communities. Eight elements are outlined that contribute to a sustainable community that is *'active, inclusive and safe'*. These elements state that a sustainable community is, *'a fair, tolerant and cohesive community with a strong culture and other shared community activities'*; and it is *'well-run'* with effective and inclusive participation, and

'environmentally sensitive'. A sustainable community is a 'well-designed' neighbourhood with a sufficient range of affordable housing, and 'well-connected' with good infrastructure and transport links. It is also a 'thriving community' with a diverse local economy that is 'well-served' by public, private, community and voluntary agencies, and that is 'fair for everyone' recognising individual's rights and responsibilities.

This vision of sustainable communities, where everyone has the opportunity to live in a decent home at a price they can afford, and related national, regional and local policies, should include Gypsies and Travellers. Crawley's (2004) IPPR report recommended that Gypsy and Traveller issues are 'mainstreamed' into housing policy (for instance by including Gypsies and Travellers in homelessness policies, housing strategies and community cohesion strategies, which is not the case currently in every local authority), and today policy makers and sector representatives are echoing this. The head of the South East region at the Housing Corporation has suggested that housing associations could rent out trailers as well as houses (Inside Housing, 2007: 3). The Equalities Minister, Meg Munn, has also tried to put the Gypsy and Traveller site issue in perspective in the context of the need for new housing. She suggests that *'…the problem in terms of the number of pitches required is a small one. Just one square mile of land across the whole of England is needed!'* and that government funding and advice is available to help deliver new sites. At a conference on the issues in 2007, Munn called upon MPs and councillors to challenge prejudice against Gypsies and Travellers. The Minister also suggested that local authorities should make more use of Section 106 agreements to ensure that developers incorporate required pitches into new housing schemes. She also discussed the *'amount of disquiet'*, and, in attempting to put the issue into perspective, said:

> *Many local authorities fail to realise that when compared with the amount of conventional housing that needs to be supplied, the numbers of pitches needed are tiny. I am aware of one local authority…that needs to supply 14,000 new houses – and just 20 Gypsy and Traveller pitches. But placards, petitions and newspaper headlines can give the impression that the numbers are the other way around.* (Munn, 2007)

The Commission on Integration & Cohesion's (2007) report, *Our Shared Future* analysed the current state of integration and cohesion in England and it set out twelve key messages. These twelve messages suggested that the national picture is positive, but that there are diverse and complex factors in different areas which call for multiple local actions. Deprivation is a key influence on cohesion, but the report said that not enough was known about the relationship between crime, anti-social behaviour and cohesion to know whether there was a causal relationship. The report said that diversity can have a negative impact on cohesion, but only in particular circumstances, and that although there are benefits of immigration, it causes some people concern. Finally, two new issues were highlighted. Globalisation adds complexity to the issue, with UK residents now coming from all over the world. Pertinent to some of the perceptions of local communities objecting to new Gypsy

and Traveller sites is the report's second new issue, which is that settled communities are worried about the 'fair allocation' of public services, with a perception particularly that immigrants and minorities are getting special treatment.

This section highlights the challenge for local authorities and housing associations to help deliver and maintain sustainable communities; and to remember that Gypsies and Travellers are part of those communities.

Recent history of barriers to local authority site provision

There have been ongoing attempts to address Gypsy and Traveller housing needs through legislation. In 1960, under the Conservative government, the Caravan Sites (Control of Development) Act caused the closure of many stopping-places used by Gypsies and Travellers as they moved around the country. In 1968, Eric Lubbock's private bill resulted in the 1968 Caravan Sites Act, which required local authorities to provide sites for Gypsies in England. This Act required that counties, *'…ensure adequate accommodation for all those residing in or resorting to their areas'* and that district councils should design, build and manage sites. However, the local government reorganisation from 1972 to 1974 saw change in the structure and organisation of government. Additional issues around exemptions and designations, so soon after the 1968 Act came into force in 1970, meant that lines of responsibility were confused and there was not as much progress as envisaged.

Local government reorganisation meant that patterns and models of site management were complex and a variety of arrangements were made between the districts and the counties. The legacy of this is that there is still, in two-tier shire county areas, some confusion about which local authority is responsible for Gypsy and Traveller site issues. Nevertheless, current duties around housing and homelessness rest firmly with the district and unitary councils. Strategic planning decisions are now made by the regional planning bodies and this then informs district and unitary councils' local development frameworks. Therefore, although lines of responsibility may be a little clearer now than in the 1970s, there is still a need for multi-agency approaches and models to the delivery and management of new Gypsy and Traveller sites.

The Cripps report of 1977, *Accommodation for Gypsies: A report on the workings of the Caravan Sites Act 1968* identified a number of obstacles to new site provision. A recent review by Niner highlights five ongoing obstacles that remain pertinent to debates about site provision (2003: 205-6). First, is the importance of public opinion, and this relates strongly to one of the themes explored in this research. Secondly, Gypsy habits are considered. Niner clarifies that this relates to the anti-social behaviour of a minority, which influences negative perceptions among the settled community of all Gypsies and Travellers. Vandalism is a third obstacle; the vandalism of some sites has made councils less willing to refurbish them or carry on providing them. One could also consider the problem of fly-tipping here; although, it must be stressed that

Gypsies and Travellers are not solely responsible for fly-tipping on or near sites, but they are perceived to be. A fourth concern is the idea of Gypsy/Traveller site provision being a national responsibility; this may have led to some local authorities feeling it was not their concern and therefore not directing resources to the issue. Finally, the last obstacle highlighted is the idea that the problems relating to Gypsy/Traveller provision are uncertain. This is still relevant today with many local authorities and national organisations being unable to confirm the nature and extent of Gypsy/Traveller needs; these needs are not just related to accommodation but also health and education and other services. The nomadism of some Gypsies and Travellers makes it difficult for local providers to plan service delivery. However, once all Gypsy and Traveller Accommodation Needs Assessments (GTAAs) are completed, a clearer picture of accommodation need should emerge.

Niner's survey of local authorities for her report in 2003 suggests that the obstacles around site provision noted with most frequency by local authorities were:

Figure 1.1: Niner's 2003 survey of local authorities

Resistance from local residents	89%
Funding for new sites	76%
Problems getting planning permission	64%
Lack of suitable land for sites	51%
Inadequate commitment from government	50%
Inadequate commitment locally	50%
Lack of a duty	48%
Funding for maintaining existing sites	31%
Other	8%

(Niner, 2003: 206)

It is interesting to note that the obstacle of 'lack of a duty' is comparatively low down the list. Reformers have suggested that a change in the law is what is needed to increase the provision of sites for Gypsies and Travellers. The Briscoe (2007) interim report to ministers on the initial findings of the Gypsy and Traveller Task Group, found that additional legislation was not needed to assist provision of new sites. Instead, Niner's evidence from local authorities (2003) suggests that energies should be focused on reducing the resistance from local residents – by developing better understanding between the settled and travelling communities – and on increased funding for site provision.

> *Beyond and beneath this there is a clear task of educating the settled communities about Gypsies and Travellers, their cultures and lifestyles. To date, attitudes towards Gypsies/Travellers as a minority group seem to have concentrated mostly on segregation (onto sites, mostly hidden away and out of sight) with little social contact between Travelling and settled communities, or assimilation (fear of harassment can lead housed Gypsies/Travellers to hide their origins and abandon*

> *their traditional lifestyle). It is time to move towards an approach of integration where Gypsy/Traveller culture is understood and celebrated alongside that of other minorities in an ethnically diverse, multi-cultural Britain.* (Niner, 2004a: 156)

This Joseph Rowntree Foundation report aims to examine some of this conflict and resistance, and to provide examples from cases studies of where some local authorities have negotiated their way through the conflict and made provision for new sites in keeping with the new legislative requirements set out below.

Key current legislation and policy

In 1994, the Criminal Justice and Public Order Act repealed many of the duties of the Caravan Sites Act (1968). Political and legislative debate over the 1994 Act, which took away the duty from local authorities to provide sites, continues. The former Office of the Deputy Prime Minister (ODPM), Planning, Local Government and the Regions Select Committee published a report in November 2004, calling for a duty to provide sites to be reinstated. The government response in early 2005 was that it did not feel that a duty was needed, but it set up a *Gypsy and Traveller Task Group on Site Provision and Enforcement* report, (chaired by Brian Briscoe, former Chief Executive of the Local Government Association). Their report (2007) supported the existing legislative framework. However, they suggested that more momentum was needed around delivering site provision. The Department for Communities and Local Government – or CLG (formerly the Office of the Deputy Prime Minister or ODPM) has set up a special unit which has issued guidance asking councils to provide extra sites, in their good practice guide, *Diversity in Equality and Planning* (March 2005). Commentators have suggested that this will not be possible without enforcing a duty (Hilditich, 2005), but Briscoe (2007) and Niner (2003) show that lack of a legislative duty to provide accommodation is not the primary barrier to providing Gypsy and Traveller sites.

Two pieces of legislation in 2004 have effectively placed duties on local authorities which should result in the provision of more Gypsy and Traveller sites. In 2004 the Housing Act, in conjunction with planning Circular 1/2006, required local authorities to assess the needs of Gypsies and Travellers and, via the regional planning body, to include how this need will be met in local development plans. Section 225 of the Housing Act 2004 stated 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.*

These Gypsy and Traveller Accommodation Needs Assessments (GTAAs) are due to be completed by the end of 2007, and in some areas the information has already been gathered. Draft guidance has been made available by the Department for

Communities and Local Government for local authorities. GTAAs across the country are being conducted according to a variety of local authority groupings, some are on specific sub-regional boundaries, and others have grouped together for other, less obvious, reasons.

The Planning and Compulsory Purchase Act (2004), and Circular ODPM 1/2006 have also changed the planning system. Circular ODPM 1/2006 replaces Circular 1/94 and it states that pitch numbers identified in the GTAA must feed into the regional planning body. At this stage the pitch numbers will be checked and modified to reflect a regional perspective and then the resultant Regional Spatial Strategy will specify pitch numbers for each local planning authority. Planning authorities then need to include realisable sites, to meet the additional pitch requirements, in their Local Development Plan Documents. Councils should also pay heed to the Planning Act (2004) in drawing up Development Plan Documents, and should involve the community. A policy on how the community has been involved and consulted should be incorporated in the local development plans in the form of a Statement of Community Involvement, and this should include Gypsies and Travellers.

The importance of this need to include sites in development plans is highlighted by the fact that the government reprimanded Brentwood Council for not including the needs of this group in their local development plans. Indeed the Secretary of State intervened in the High Court and directed the local authority to do so. The direction to Brentwood has been withdrawn, but since then one has been issued to South Gloucestershire, and CLG has also written two further letters expressing their concern to Mid Bedfordshire and Epping Forest councils (Inside Housing, 09/02/07: 6).

Enforcement powers have also changed. The Criminal Justice and Public Order Act (1994) Section 61 allows the police to request trespassers to leave private land. The Anti-Social Behaviour Act (2003) Section 62 also allows police to move Gypsies and Travellers on from unauthorised sites, if a council plot is available. Circular 02/2005 was published in March 2005 which gave guidance on Temporary Stop Notices – allowed for in Part Four of the Act – on unauthorised developments; consultation on revisions to the powers on Temporary Stop Notices have been taking place in 2007.

The legislative and policy context around Gypsies and Travellers is quite extensive; key points are summarised in a table in Appendix One. However, the main point to note is the increased political impetus set by government through new legislative requirements for local authorities to better address the housing needs of Gypsies and Travellers.

Literature review – current reports and guidance

There are a number of key reports which relate to the question of Gypsy and Traveller site provision. The Cripps report of 1977 still holds some valid assertions on blockages in the process, but this brief literature review focuses on the most recent, relevant reports on site issues and highlights some of their key messages.

Pat Niner's 2003 study, *Local Authority Gypsy/Traveller Sites in England* (2003), as noted earlier, was a substantial study using a range of methods including a postal survey, a physical site survey and case studies. A key finding was the estimated need for an additional 1,000-2,000 pitches for Gypsies and Travellers across England to deal with issues of overcrowding, and a further 2,000-2,500 pitches on transit sites, which would form a national network of accommodation for nomadism. As highlighted previously, the report referred back to the barriers to provision, outlined by Cripps years before, but also reviewed local authorities' responses to the issues to establish an up to date picture of the blockages in the system to site provision, noting the difficulties surrounding public opposition.

A subsequent report published by the Institute of Public Policy Research, *Moving Forward, the provision of accommodation for Travellers and Gypsies* (Crawley, 2004), recommended that Gypsy/Traveller sites be classed as housing, and that Gypsy/Traveller issues should be mainstreamed into housing policy and legislation (rather than marginalised in anti-social behaviour legislation). It suggested that provision for sites should be included in Regional Spatial Strategies and funding provided through regional housing boards; local authorities should be *required* to make provision for sites and these sites should be run by local authorities, registered social landlords or other bodies and that there should be a specialised national or regional social landlord to oversee this. In order to engage with central government, the report recommended that a top-level unit be created within the Office of the Deputy Prime Minister (ODPM) and that the unit should be advised by a representative 'Traveller Task Force'. The inclusion of Gypsies and Travellers in equal opportunities policies and standards, and housing strategies, was also highlighted as important (Crawley, 2004: 57). Some of these recommendations have since been enacted, for instance the CLG Gypsy and Traveller Unit, and the Briscoe-led Task Group. On a more local level, some points have been taken up in evolving housing, homelessness and equalities policies; but this is not universally the case.

ODPM's Housing, Planning, Local Government and the Regions Committee Gypsy and Traveller Sites, Thirteenth Report of Session 2003-4, published by the House of Commons reiterated a lot of IPPR's recommendations, including the introduction of a Task Force. Their headline recommendation was to reintroduce the duty to provide sites, but this was not enacted by government. They did, however, set up the Gypsy/Traveller Unit within ODPM during 2005 which has produced guidance on assessing needs, and has been giving advice to areas which are looking to provide more sites.

The importance of the issues for local authorities prompted the Local Government Association to investigate, and a key finding set out in its Gypsy and Traveller Task Group Report (2006), was that council leadership was needed to drive through the agenda and that there was, *'…a need to promote better communications with local media and stakeholders over Gypsy and Traveller accommodation needs and provision'* (page 13). It found examples of leadership from councils – both on an executive level,

and on an elected member level. Further advice on the issues arising around community cohesion can be found in the document produced by IDeA and the LGA entitled, *Leading Cohesive Communities* (2006).

Also in 2006, the Commission for Racial Equality carried out an enquiry into race relations concerns in England and Wales linked to Gypsies and Travellers. Their substantial report, *Common Ground, Equality, good race relations and sites for Gypsies and Irish Travellers* (2006), also highlighted the need for better community leadership and emphasised the role of councillors in promoting good race relations. A range of recommendations were set out for central government, regional offices, local authorities, police forces, inspectorates, and other agencies.

The Social Exclusion Unit's report *Moving On: Reconnecting frequent movers* (2006) also has relevance to the issues discussed in this report. This was not specifically focused on Gypsies and Travellers, but instead considered the exclusion issues for people who frequently move. It found that difficulty in accessing services was one of the key outcomes of frequent moving – particularly in the areas of education and health. This is particularly pertinent in the case of Gypsies and Travellers where the statistics in health and education, discussed earlier in this chapter, demonstrate how marginalised they are.

Other research by the Universities of Birmingham, Salford and Sheffield Hallam, *Research to Support the Preparation of RSS Reviews on Gypsies and Travellers by Regional Planning Bodies* (2007) has sought to offer more practical guidance, providing a 'tool' for regional planning bodies to use when calculating their regional pitch requirements. The authors state that it is a matter of urgency that progress is made on meeting the accommodation needs of Gypsies and Travellers. The 'tool', they suggest, is a starting point and the results from applying it to local data, represents an interim measure which must be reviewed on an ongoing basis (page iv). A simple formula is provided for regional planning bodies to use in calculating the pitch requirements in their area. A case study example of the East of England region is provided to demonstrate application of the 'tool'.

The Royal Town Planning Institute's *Planning for Gypsies and Travellers* (2007) also provides guidance for planners on the key issues to be addressed when dealing with planning applications for new Gypsy and Traveller sites. It includes documents on communication and consultation, GTAAs, site delivery and enforcement.

In 2006, the government set up the Gypsy and Traveller Task Group on Site Provision and Enforcement which set out its own recommendations in their *Gypsy and Traveller Task Group Report on Site Provision and Enforcement, Interim report to Ministers* (2007). The group was chaired by Sir Brian Briscoe and their interim report to ministers in March 2007 recommended focusing on 'delivery', tackling specific barriers, and working with a range of organisations to ensure sites are built. In their examination, the Task Group agreed that the national legislative framework of The

Housing Act 2004 and the Planning and Compulsory Purchase Act 2004 was the right way forward and was pleased with progress on GTAAs. However, the Task Group found that, *'…it is clear that enforcement to prevent or remedy unauthorised development remains a blunt weapon'*, and it was suggested that, *'…better outcomes could be achieved by helping authorities use the existing legal framework more effectively and more rapidly'* (Briscoe, 2007: 3). When discussing resources, it was suggested that a similar level of funding to build new sites is needed for the next few years; the interim report was concerned that not all site costs represented good value for money. On community leadership, the Task Group identified skill and people shortages in planning, enforcement and inspectorate agencies. Finally, the report suggested that the accommodation shortage for Gypsies and Travellers created community conflict and that bridges needed to be built between communities.

The government has issued a series of guidance to help progress site provision. The three key documents are highlighted here. In *Communities and Local Government, Local authorities and Gypsies and Travellers: a guide to responsibilities and powers* (2007), the government provides an update on the previous guidance to local authorities, including guidance and examples on GTAAs and issues of enforcement, such as the use of Temporary Stop Notices on unauthorised developments. *Communities and Local Government, Draft Guidance on the design of sites for Gypsies and Travellers: a Consultation Paper* (2007) sets out draft guidance on the location of sites and its relationship to the surrounding land use. Information is given on site layout, access and orientation for permanent sites, as well as detailed guidance on pitches and services for permanent and transit sites and emergency stopping places. Finally, *Communities and Local Government Draft Guidance on the Management of Gypsy and Traveller Sites, a Consultation Paper* (2007) provides draft guidance on what makes for a successful site, and how to manage a site well. It includes information, for example, on the need to incorporate appropriate repair response times in the licence for a pitch on site; much as a tenant of a council or housing association property would expect from their landlord.

Conclusion

This introductory chapter has set out the context for the debate around new Gypsy/Traveller site provision. In recent years there have been a number of policy reports, and new pieces of legislation which affect Gypsies and Travellers. This includes new requirements for assessment of local accommodation needs, and a revised planning framework for new sites. Overall, there is increased emphasis on improving provision at a local level. The next section sets out how this research project has been designed to examine the issues arising in practice in a range of local areas as local authorities develop their responses to Gypsy and Traveller housing needs.

Chapter Two
Research design and the case studies

Introduction

This chapter outlines the methodology of the research and gives some basic details on each of the six case study areas chosen in which to examine local practice on delivering sites for Gypsies and Travellers. Some of the key facts about each case study are discussed in this chapter. After a brief look at the context and theories of conflict resolution in the next chapter, the themes emerging from the local case studies are examined in Chapter Four.

Research design

The study took place between October 2005 and March 2007. It involved a literature review of policy and academic reports and other papers, interviews with key representatives of the Gypsy and Traveller community and other stakeholders, and fieldwork in six English case study areas. A survey of all local authorities in England was also sent out to establish a picture of progress on the Gypsy and Traveller Accommodation Needs Assessment (GTAA). The survey response rate was too low to arrive at any robust and defensible conclusions, but there was some qualitative data which fed into the study on how GTAAs were being progressed in particular areas.

The literature review comprised an analysis of a large range of national, regional and local reports and policies across a variety of public functions such as housing, health, education and policing. The fieldwork involved six case studies in local authorities in different parts of England which were chosen to represent a variety of different characteristics and were selected because they were spread across the country. These covered a range of different local authority types (including single tier and two tier council areas) and rural/urban contexts and councils at varying stages in the site development process. The six case studies (named Local authority One to Six here) reflected different political control along with differing Gypsy and Traveller populations and histories of site provision. Some areas had a number of council-managed sites with more in the pipeline, and others had no sites and no plans for sites. Only one local authority had a transit site, although another case study had already recognised a need for one in their area. There was also a range of approaches to managing Gypsy and Traveller issues from new collaborative multi-agency units, to the traditional Gypsy/Traveller liaison officer.

In the original research brief, eight case study areas had been selected, however one authority did not want to take part as they had previously been subject to a different piece of research on Gypsies and Travellers. The second authority was reluctant, and

although it did not explicitly say 'no' to taking part, it became impossible to arrange dates for visits and interviews within the study period. This is indicative of the sensitive climate in which Gypsy and Traveller issues are debated. For a range of reasons, which this report will discuss in more detail, local authority officials and elected representatives are, in some areas, reluctant to discuss issues or show support for the Gypsy and Traveller community.

In each of the six case studies there was a period of desk-top review of appropriate policies and strategies, a questionnaire to each local authority, followed by visits to each area for face-to-face interviews with a range of stakeholders. There were also a number of telephone interviews, letter and email exchanges as part of the fieldwork. The secondary research and desk-top review of key documents took place primarily from October to December 2005. This fact-finding continued throughout the course of the research. The primary research, which included analysis of policies from the six case study local authority areas and face-to-face visits, telephone interviews and letter and email exchanges with over 60 individuals related to the case study local authority areas, took place from January 2006 to March 2007. The interviewees included:

- Gypsies and Travellers on sites
- Housed Travellers
- Gypsy/Traveller representative groups
- Gypsy/Traveller liaison officers
- Local authority chief executive
- Local and regional planning officers (both strategic and development control)
- Local housing officers
- Health service staff
- Travellers Education Services
- Elected members of district, county and unitary councils (including council leaders)
- Police representatives
- Local newspaper editors.

Case study portraits

This section provides a pen portrait of each case study local authority area. The six study areas, and the individuals interviewed, were anonymised to respect confidentiality, encourage people to speak freely and to allay concerns that local authorities might have had in taking part in a study which discusses an issue which is recognised as highly contentious and political.

Local authority One

Local authority One is a large metropolitan borough in the North of England. The council is 'hung' but with a Labour cabinet and a Labour mayor who is a strong leader.

The council includes urban, rural and semi-rural areas and 17 of the 21 wards are amongst the 30 per cent most deprived wards in the country. Local authority One's Gypsy and Traveller Strategy Group says that Gypsies and Travellers are over-represented in all indices of deprivation and experience high levels of social exclusion, with problems accessing information and advice.

Gypsies and Travellers make up 2 per cent of the total population and are the largest Black and Minority Ethnic group. Local authority officers believe that approximately 5 per cent of the country's Gypsies and Travellers live in and around the area for a significant proportion of the year. The July 2006 CLG count showed a total of 392 caravans in its snapshot data for the area. Romany Gypsies and Irish Travellers are predominant, with few New Travellers (one of the local authority sites is occupied by New Travellers) and Showpeople, and very few Scottish Travellers.

Gypsies are thought to have settled in the area a long time ago, dating back to the establishment of a prestigious sporting event. Irish Travellers have passed through the area for a considerable period, and many are now thought to be settled in housing. Gypsies and Travellers live on authorised sites, transit sites, unauthorised encampments and in housing.

The estimated total number of Gypsies and Travellers in Local authority One is between 4,000 and 6,000 at any given time; of which around 1,000 live on sites and the remainder live in bricks and mortar housing. This case study, along with Local authority Five, has a high Gypsy and Traveller population, compared to other areas.

Sites are managed by the Gypsy/Traveller Unit which has a team leader and three supporting Gypsy/Traveller Liaison Officers. In 2003 a Gypsy and Traveller Strategy Group was formed and it meets monthly to discuss a range of issues. The area takes a multi-agency approach to addressing the issues with the involvement of the council's Gypsy/Traveller Unit and health, voluntary sector, education, housing and Gypsy/Traveller representatives. Housing and planning officers have latterly got involved in this group.

There are five local authority sites accommodating 93 caravans (59 pitches), one of which is a transit site. There are 21 authorised private sites accommodating 222 caravans. In addition there are 13 unauthorised developments consisting of 33 caravans; some of these have been in existence for nearly a decade and although they are not authorised, it is believed by the council officers that planning applications might be successful. There was an explanation from the Gypsy/Traveller Unit that the local authority 'tucked sites away' in order to avoid unnecessary complaints or opposition from the settled community.

The Gypsy and Traveller Accommodation Needs Assessment (GTAA) had not been completed by the end of the research period. The GTAA was being undertaken in conjunction with three other local authorities in the sub-region. A number of surveys had been undertaken by the team's own staff, and it was felt that the outcome would provide robust, defensible information for use in any future planning inquiry.

Local authority Two

Local authority Two city council is a large unitary authority, also in the North, which covers an urban centre with a rural surrounding area. It is a 'hung' council, with Labour and the Liberal Democrats combined holding the majority of seats.

Local authority Two has seen a growth in its Black and Minority Ethnic (BME) population from 5.8 per cent in 1991, to 8.2 per cent in 2001. The figure of 8.2 per cent combines with figures for 'White Irish' and 'White Other' to give a total BME population of 10.8 per cent. It is also the third most densely populated authority area in its region.

The first known record showing Gypsies in the area is of the baptism of a Gypsy's daughter in a parish church in 1572. The Gypsy/Traveller services manager estimated that, at the time of the research in 2006, there were around 500 Gypsies and Travellers in the area, with around 20 New Travellers. A baseline study in 2004-5 estimated that there were 199 families (58 per cent of the travelling community) living in bricks and mortar accommodation; however this figure may be larger as Gypsies and Travellers can be 'hidden' in housing. There are reputedly 200 or more Gypsy and Traveller families living in housing in this area. This study also estimated that there were 42 families living on the roadside in the area.

There is one large local authority site, with a total of 41 pitches, and no authorised private sites. There are two 'tolerated' sites. The CLG Caravan Count data for July 2006 shows there were 73 caravans on the local authority site, three caravans on tolerated developments at that time, and ten caravans on non-tolerated developments.

There have been court cases on Gypsy and Traveller issues in this area. In a case in 2004 concerning an eviction from a council site, the European courts found in favour of the Gypsy family; while in 2006 the House of Lords found in favour of the council in a case concerning an unauthorised encampment.

A Gypsy and Traveller organisation operates in the area and this has strong connections into regional organisations, such as the Northern Network of Gypsies and Travellers, as well as lobbying on a national level and providing updates and guidance nationally to Gypsies and Travellers through more informal electronic networks.

There has been a previous baseline study and two health needs reports published in recent years in the locality, but the GTAA was not near completion during this research. The feasibility study which looked at the need to undertake the assessment on a sub-regional basis did state that Local authority Two Gypsy and Traveller Exchange and Justice for Travellers (both of whom were interviewed for this research) would be an integral part of the GTAA.

Local authority Three

Local authority Three is a largely rural area in the South West with a number of traditional market towns, an ageing population and a low-skills economy. There is presently a two-tier system of local government. The district council is led by Liberal Democrat councillors. 4.13 per cent of the area's population is BME, with a further 2.13 per cent in the district classed as 'non-white'.

The Communities and Local Government (CLG) caravan count in July 2006 showed 15 caravans on local authority sites, 15 on authorised private sites, seven caravans on 'tolerated' private developments and six on non-tolerated, unauthorised encampments. It showed a total of 43 caravans, out of a total of 363 caravans for the county. Figures quoted in the GTAA for the district showed that of the 180 sample interviewed, 66 per cent were Gypsies (both English and Romany), 5 per cent Irish Travellers and 29 per cent New Travellers. In this area, there is a proportionately higher number of New Travellers than in other case studies examined. This is attributable not only to travel routes and seasonal work, but also festivals and other local attractions.

This authority was given 'Beacon' status by the Improvement and Development Agency (IDeA) in round seven, for their work on 'living with Traveller and Gypsy communities'. At the heart of the Local authority Three approach is the role of the community liaison officer, who, it was envisaged, should have no 'enforcement' role, but remain independent. The pros and cons of this approach are discussed alongside examples from other case studies, later in the report.

There is not a close relationship on Gypsy and Traveller issues between the county council and the district but there is engagement with Gypsy and Traveller issues at the district level, and one of the councillors has played a key role at a national policy level. Anecdotal comments from a local Gypsy suggested that relations between the council and the community were continuously improving.

This district council has also seen an increase in European migrant agricultural workers, which has been a challenge for a rural area. It set up a range of measures to assess the needs of the predominantly Polish migrants, and it incorporated the issue into a celebrating diversity programme. This demonstrates that Local authority Three has experience in integrating marginalised groups and commitment to diversity and equality issues.

There are two local authority sites in Local authority Three. The council entered into long-term leases to take over management from the County at the end of 2002. One site has six pitches, with an application for planning permission to extend this by a further four pitches, by taking over a private lease from a neighbouring site. The other site, for historical reasons, is less popular with Gypsies and Travellers and is not fully used, with four of the eight pitches vacant at the time of the research visit. Those residing on the latter site move over to the other site when a pitch becomes available.

A Gypsy and Traveller Accommodation Needs Assessment (GTAA) was completed by a consultant for the county in early 2006. The report suggested that, for this district, there was a need for transit facilities for Gypsies and Travellers and that, based on numbers of unauthorised development there was a need for accommodation for 24 caravans. For New Travellers it was suggested that a mixture of permanent, long stay and short stay sites was needed, as demonstrated by the number of unauthorised encampments.

Local authority Four

Local authority Four is a borough in the South East with a town at its centre, and with residential neighbourhoods in the surrounding area. After a long period of Labour control, the council elections in 2006 saw the Conservatives gain a majority. There is a perception that this was partly attributable to the issue of poorly-managed unauthorised encampments and the high profile consultation on new sites for Gypsies and Travellers in the area.

The area has a larger than average Black and Minority Ethnic population than regional and national figures, with the biggest proportions from Asian/Indian and Asian/Pakistani groups (7.4 per cent for these two groups). Those who declared as 'White Irish' or 'White Other' made up 3.03 per cent of the total population. Two areas in the locality are particularly deprived, but there is relative deprivation in many of the wards; this is juxtaposed with high incomes in other areas.

Local authority Four was unique amongst the six case study areas in not having any local authority sites, or private sites. In the July 2006 CLG caravan count while there were no local authority sites or private sites, 26 caravans were noted on unauthorised encampments. (The local authority established that the much higher figure on the CLG database was a mistake).

There are no reliable figures for the number of Gypsies and Travellers residing in, or coming to the area. However, a representative from a national campaign group suggested that the majority of Travellers passing through, or trying to settle in, Local authority Four are Irish Travellers. At the time of the case study visit there was one unauthorised encampment, the residents of which have since been evicted.

An assessment of potential locations for Gypsy and Traveller sites was undertaken in 2004 (this was not an accommodation needs assessment to identify need and to put forward numbers of pitches to feed into the regional spatial strategy; instead it was an assessment of suitability of a number of sites).

There is conflict on Gypsy and Traveller issues in this area. A public consultation exercise on the two short-listed sites saw a massive turnout of local residents and the objections caused local politicians to back down from the process.

The county council is in the process of undertaking a Gypsy Traveller Accommodation Needs Assessment, in partnership with the districts and boroughs.

Local authority Five

Local authority Five is a district council in a largely rural area in the East with a number of market towns and a strong link to the agricultural industry. It is a Conservative led district, with close working relationships with the county council. Average earnings are amongst the lowest in the country and the district is the most deprived in the county. Nationally it is ranked 142 (out of 354) in the indices of multiple deprivation.

1.4 per cent of the population are from a Black and Minority Ethnic group. Local knowledge suggests that Gypsies and Travellers are the largest BME group in the area and there is a long tradition of Gypsies and Travellers in the area with little known conflict between the settled and travelling communities.

Local authority Five has the largest population of Gypsies and Travellers in the country. In the July 2006 CLG Count, which shows numbers of caravans on just one day of the year, there were 165 caravans on the five local authority sites, with 268 caravans on private sites. 59 caravans were on tolerated developments and 12 caravans were on non-tolerated sites. A further 12 caravans were counted on unauthorised encampments. The local authority figures showed that across the whole of 2006, there were 112 unauthorised encampments. The Gypsy and Traveller officers also estimate there are at least 5,000 Travellers in bricks and mortar housing, with a large concentration of housed Travellers in one particular town.

The Gypsy and Traveller Accommodation Needs Assessment (GTAA) was completed on a regional basis and was one of the first to be published. This information has already been analysed at a regional level and an additional pitch requirement of 180 has been suggested up to 2011. The local authority was successful in the 2007/8 allocation of £2.1 million of CLG funding for two new sites in the area, and plans are in progress to allow a one year trial planning permission for a private transit site.

Gypsies and Travellers have a long history in Local authority Five; one local Gypsy suggested that one of the towns was central to lots of Gypsy families no matter whereabouts in the country they were settled now. There are also links with the agricultural industry, which means a shared history of working together on farms, and there are examples of families still coming for holidays for a couple of weeks just to see the farmer and his family, even when there is no work to be done nowadays. The Gypsy and Traveller team suggest on sites across the district, the population is approximately 70 per cent Gypsies and 30 per cent Irish Travellers.

The head of the Gypsy and Traveller services at Local authority Five is the diversity and traveller manager. Commitment is given to Gypsy and Traveller issues from the chief executive of the council, through to the portfolio holder at the district level, and the leader of the County Council.

Local authority Six

Local authority Six is a unitary authority in the South East. The council is Liberal Democrat led and there is a strong commitment from the director of housing, some councillors, and other key stakeholders to addressing Gypsy/Traveller housing. Two of Local authority Six's wards are within the 10 per cent most deprived, and six wards are in the 20 per cent most deprived in England, on average.

The 2001 Census data showed a total BME population of 13.2 per cent (including 3.9 per cent 'White Irish' or 'White Other'). Research commissioned in 2006 based on a sample population showed that this total had grown to 16.8 per cent of the population, but with the growth coming from 'White non-British' who made up 13.7 per cent of the total population.

It has been estimated, by the Gypsy/Traveller Liaison Officer, that there are currently 50 Gypsies and Travellers in the area, with the majority being Romany Gypsies and about ten Irish Travellers; a further 30 Travellers are estimated to be living in bricks and mortar housing. According to the health visitor at the Primary Care Trust in all there are approximately two-thirds English Gypsies and one-third Irish Travellers.

There used to be a large number of unauthorised encampments in the borough, and a concerted effort was made to enforce appropriate measures to deal with issues such as rubbish dumping and anti-social behaviour from some of these encampments.

Gypsy and Traveller services run from a multi-agency unit which has been replicated in other areas with mixed success. There are two local authority sites, with capacity for 20 caravans. One of these sites is to undergo a major redevelopment in a bid to create a 'model' site which will be replicated elsewhere and the council was successful in securing just over £1 million of new site funding from the CLG for this site in the 2007/8 allocations. There is a support mechanism for Gypsies and Travellers through the Gypsy Traveller Action Forum, and some key individuals have given their voice to the call for more provision.

Unique among the case study areas, Local authority Six is part of a growth area and parts of the borough have planning development controlled through a separate regional agency. The planning permission for the existing site which will undergo redevelopment was passed by this regional development control body, which is perceived to be a less politicised route. Also unique amongst the case studies is the fact that Local authority Six has three new sites already identified in its Local Plan which adds a degree more certainty to new site development. There is commitment at officer and councillor level. However, there is a difference of opinion amongst councillors from different political parties, and if the Liberal Democrats were to lose many seats in a local election, then the commitment to sites may waver.

A summary of the key features of each case study area is provided on the next page.

Figure 2.1: Comparison of case study areas

	Local authority One	Local authority Two	Local authority Three	Local authority Four	Local authority Five	Local authority Six
Political control of council	No overall control with Labour mayor and Labour cabinet	No overall control with Labour majority	Liberal Democrat	Conservative	Conservative	No overall control with Liberal Democrat majority
Number of permanent LA sites	4 (93 caravans)	1 (73 caravans)	2 (15 caravans)	0	5 (165 caravans)	2 (20 caravans)
Number of LA transit sites	1	0	0 (but need identified in GTAA)	0	0	0
Number of private sites	21	0	7	0	Approx 80 sites (268 caravans)	0
Number of unauthorised encampments in 2006	In 2005/6, 36 encampments (384 caravans)	46 encampments (down from 64 in 2005 and 77 in 2004)	21 encampments (132 caravans)	25 encampments	112 encampments (approx. 672 caravans)	129 (735 caravans)
Number of 'tolerated' unauthorised developments	0 (5 sites have enforcement action, which is in slow progress).	2	0 (there are 2 sites, 1 is the subject of planning appeal, and the other is to submit a fresh planning application).	0	Approx. 15 sites (59 pitches). 12 sites currently subject to planning control action.	0
Estimate of housed Travellers and Gypsies	Between 3,000 and 5,000	199 families (approx. 621 people)	80 approx.	No estimate given, number unknown	Estimate of minimum 5,000	30 approx.
GTAA completed? Pitch numbers identified?	Being completed on sub-regional basis, not published as at May 2007.	Previously part of a sub-regional GTAA which did not go so far as to outline number of pitches required at district level. In process of commissioning GTAA work for pitch requirements.	GTAA completed in 2006 suggests 24 pitches required.	Draft GTAA report (Feb 2007) suggested a preliminary finding of 6-7 pitches required.	GTAA published May 2006. Additional pitches (2005-2010) between 160 and 205. (The CLG report 2007 puts the local planning authority figure at 180 pitches).	GTAA published September 2006. Estimated need (2006-2011) is 36 pitches; this is in planned supply so found that no additional pitches needed.
Refurbishment grant sought or awarded?	£57,277 for one site in 2005/6, £157,741 for two sites in 2006/7.	£36,938 for one site in 2005/6 and £37,542 for one site in 2006/7. A further £356,556 for one site in 2007/8	£336,700 for two sites in 2002/3. £927,283 for one site refurbishment with additional 4 pitches in 2006/7.	No sites.	A total of £307,125 for refurbishment so far (2001 £44,850 for one site, 2002/3 £49,284 for four sites, 2003/4 £74,741 for four sites, 2004/5 £98,793 for two sites, 2005/6 £11,768 for two sites, 2006/7 £27,689 for four sites). In 2007/8 allocation, £2,162,000 awarded for two new sites.	£85,669 refurbishment funding for two sites in 2002/3 with a further £10,818 for one of these sites in 2005/6. In 2007/8 £1,094,357 new site funding.

Conclusion

The six case studies reflect different council types, with varying political control along with a range of differing histories of Gypsy and Traveller populations. Some had a number of council-managed sites with more in the pipeline, while one had no sites and no plans for sites. Only one local authority had a transit site, although another case study had already recognised a need for one in their area. The councils also demonstrated varied progress on needs assessment and allocation of pitches in local development plan documents but all, bar one, had begun to engage with the need to deal with issues on site provision.

The level of political commitment varied within and between the six case study areas and there was a stark contrast in the approach to Gypsies and Travellers between some of the case studies. One had no sites and there seemed to be little engagement with the cultural issues and needs of Gypsies and Travellers. Two areas had large Gypsy and Traveller populations, one of which had a strong leader of the council and this had positively impacted on the ground; and the other had effective officers who have been proactive in disseminating its positive approach to managing sites. Of the other four areas, there was supportive discourse from politicians in two of the authorities, and the remaining two were less vocal in supporting Gypsy and Traveller issues.

The nature of public responses was an important factor in some of the case studies in attempts to address Gypsy and Traveller site provision. The next chapter sets out some of the issues arising that are affecting local progress on developing sites – examining notions of conflict resolution and how this might apply in dealing with Gypsy and Traveller issues. Responses from each of these case studies are examined in more depth in Chapter Four.

Chapter Three
Conflict resolution

Introduction

In attempting to provide accommodation for Gypsies and Travellers, conflict can often arise with local people, which can act as a block on progress. Therefore, there is a need for local authorities and their partner agencies to consider approaches to understanding and resolving these tensions in order to inform their responses to the issue.

Conflict can cover a large spectrum of disagreement, from a misunderstanding of cultural issues bubbling under the surface, to more extreme acts of physical harm and violence. There were disturbing examples of this in 2001 when there were riots in Bradford and Oldham which appeared to be rooted in misunderstanding between different communities.

This brief chapter aims to outline some key conflict resolution concepts and models in order to contextualise some of the issues that underlie approaches to Gypsies and Travellers. This conceptual background is used to help frame the findings which are set out in the next chapter on the issues arising in the six case studies relating to Gypsy and Traveller site provision.

The context for Gypsies and Travellers

Conflict, in relation to Gypsies and Travellers, covers all areas on the spectrum ranging from discriminatory discourse in the media and in public meetings, to examples such as the Johnnie Delaney murder which was perceived by some as a racially motivated attack. In this case a young Gypsy/Traveller boy was allegedly called names and then attacked and killed by other boys in Cheshire.

There is an almost constant negative coverage of Gypsies and Travellers in the media. At a local level, some councillors, both at public meetings and in local newspapers, have made highly inflammatory remarks which can only serve to stoke local conflict, and there is little done to stop or reprimand them. A recent example of this was a local councillor who suggested that if she had cancer she would strap a bomb to herself and blow up a local unauthorised encampment, an issue which received national press coverage. The government agency, The Standards Board for England, found that no further action was needed to discipline the councillor (although she has been dismissed from her cabinet position by colleagues), which demonstrates acquiescence to this racism and makes Gypsies and Travellers feel further vilified, and even more on the margins of the community:

> ***Councillor is sent for re-training after jibe at travellers***
> *It was a flippant suggestion born of frustration. But councillor X has paid dearly for joking that suicide bombing might be the only way to deal with an illegal travellers' site making residents' lives a misery. She and her colleagues were promptly dispatched on 'cultural awareness training' in which they were forced to tour travellers' sites and learn about their history. At the same time, council watchdogs carried out an 11-month investigation into the remark at taxpayers' expense. Mrs X had told fellow councillors that X District Council would 'never get rid of the b*******' who had created an infamous illegal settlement... The independent councillor for X declared: 'If I had cancer, I'd strap a big bomb around myself and go in tomorrow'.* (Daily Mail, 24/01/07, page 35)

The process of marginalisation is complex and relates to a range of different views including those held by 'the public', the media and politicians.

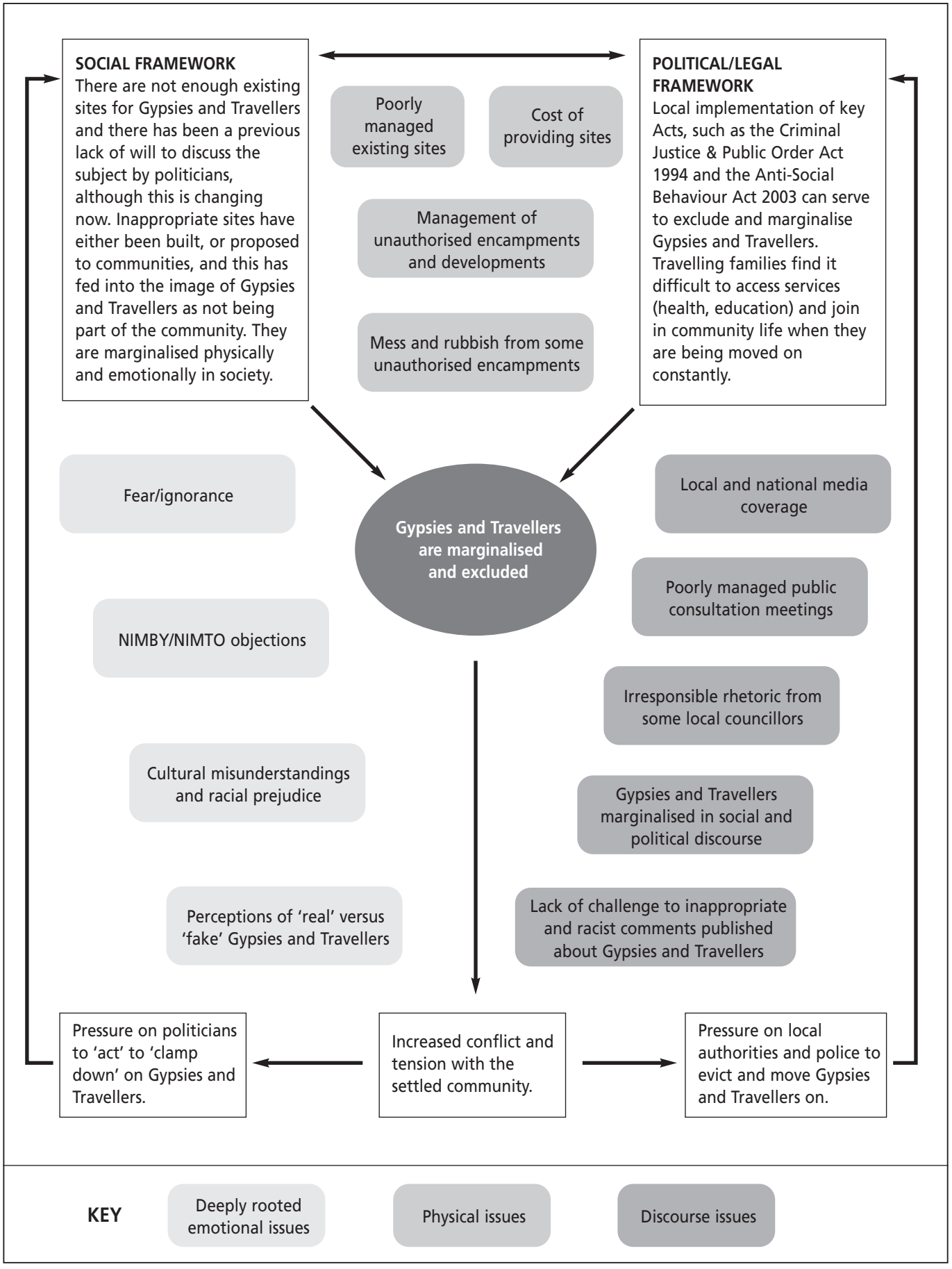
These views include 'public' objections to new site proposals (for example, see Appendix Two) which can be based on concerns surrounding the suitability of the site (for instance increased traffic and other infrastructure considerations including potential increase in refuse, and concerns over competition in access to scarce public resources such as healthcare and school places). Some of these may be legitimate concerns. They can also encompass more irrational fears based on long-held negative perceptions in the public consciousness. An important factor here is to differentiate between these different types of objections and to deal with legitimate concerns through a range of measures (examples of which will be discussed in the findings in the next chapter), and to promote information on cultural awareness in order to disarm some of the 'myths' surrounding Gypsies and Travellers.

A second contributory factor to the 'cycle of exclusion' is the media view. The media is important both in shaping and reflecting public attitudes and the quote from the Daily Mail, above, highlights this. Again, this is examined in more detail in Chapter Four's Findings.

Finally, local councillors, like the media, can both shape and reflect public opinion. However, their role should be to inform the local debate in a positive way and they should remember that they represent all constituents, including 'marginal' groups such as Gypsies and Travellers.

The cycle of marginalisation of Gypsies and Travellers means that there is continued hostility towards the travelling community, there is a reluctance to back the provision of more sites, they continue to be moved on from place to place and are seen as outside the mainstream depictions of community and are 'other'. This cycle of exclusion is depicted in Figure 3.1.

Figure 3.1: The cycle of exclusion



To increase and improve the provision of new Gypsy and Traveller sites it is important to break out of this vicious cycle and find examples where conflict has occurred, in order to understand what might be avoided in the future, and to look at examples where there is very little conflict and to analyse why that might be and what could be done to overcome conflict elsewhere.

In response to the disturbances in the North of England in 2001, the government produced *Community Conflict: A resource pack*. This refers to two types of conflict – positive and negative. Positive conflict is where no harm is done, but where expressing views might be channelled into building trust and confidence. It states that:

> *Conflicts occur because of historical, cultural and economic changes that can make people anxious. If people feel excluded from the decisions being made about their communities, they will often react angrily. If they are repeatedly excluded, the anger will grow and may escalate into a major conflict. The trigger may be some seemingly small events or issues. In recent years we have seen large scale inter-ethnic conflicts. On the face of it, some conflicts can appear to result from a clash of cultures or beliefs. In reality, these conflicts can be more about differences in wealth or power.* (Home Office/ODPM, nd, page 6)

The pack explains that as long as no harm is being done, positive conflict can result in a better understanding between different groups and individuals. This need for positive conflict and open discussion is supported by Mitchell and Banks (1996) who suggest that, *'…the thorough analysis of the conflict is the first, major step towards its resolution.'* (page viii). This helps to explain why it is important to gain an understanding around issues such as the perception of Gypsies and Travellers and its relationship to housing. Understanding the views and the problems, that currently exist, is the first step towards resolving the conflict.

Mitchell and Banks (1996) also state that, *'A conflict, at any level in society, usually involves a struggle for justice'* (page x) and they suggest that mediation at too early a stage can end up supporting the existing dominant position. Conflict avoidance is not necessarily the way forward as it can mean that tension and misunderstanding is just buried beneath the surface; ignoring a situation will not address the problem. Instead they suggest that there needs to be understanding through thorough investigation, some level of mediation and then resolution. The key is to enable fair discussion and provide mediation to work through conflictual issues and arrive at a solution that is of benefit to all parties.

Some local authorities are engaging with awareness raising in order to discuss the conflict that arises from site provision for Gypsies and Travellers. Several councils, and other agencies, are involved in 'myth-busting'. For instance, one city council in the South West produced a booklet explaining facts about Gypsies and Travellers. This document aimed to dispel the 'myths' around the travelling population, in order that a proper debate could be had locally. As well as dispelling 'myths' about Gypsies and Travellers it is also important to deal with perceptions of Gypsies and Travellers, which might be based on local historical knowledge of particular, isolated, incidents.

For instance, this might relate to a particular crime on a site in the past, or where there have been issues around rubbish dumping linked to a particular family or place. It is necessary to deal with the facts of the matter, to put in place procedures which help to manage these issues – such as to provide a refuse collection service to prevent rubbish tipping – and then it is possible to start to look at the 'myths' and to start to dispel them.

There are a range of examples of local action groups forming on the basis of objecting to unauthorised encampments or developments, or in order to stop specific sites or disrupt new Gypsy and Traveller site selection in a local area. Traditional mechanisms of consultation have not helped this; the large public meeting, unless well-managed and well-prepared for, has sometimes only served to inflame the conflict and in one case resulted in a complete climb-down by councillors. In the following chapter, a number of different examples of consultation will be examined, highlighting different practices.

Mediation is seen as a cornerstone of conflict resolution in a number of key texts. The Local Government Association (2004) publication *Community Cohesion – an action guide* suggests that mediation can be used, *'…in situations involving serious hate crimes, broader community conflicts and inter-cultural conflicts'* (page 22). There were no examples of mediation being used in any of the six main case study areas for this research; but in Local authority Six it was suggested that in some planning meetings, not yet for Gypsy and Traveller sites – but for large scale development – an independent person had chaired the consultation, which took a step away from the sometimes combative approach of the council officers and local politicians 'versus' the local community.

NIMBY and NIMTO

NIMBY (Not In my Back Yard) and NIMTO (Not In My Term of Office) are two of the key arguments against new development. This does not just relate to Gypsy and Traveller sites but includes generally controversial developments such as schemes for power stations, recycling plants, wind farms, probation hostels, new housing in green belt areas, and also more mainstream high density housing developments. Many arguments heard in public consultation exercises suggest that people understand that a development is needed, they may just not want it near them. In the case of councillors and political leaders, they may understand that progress will be inevitable, but may not want it to be associated with their political party or their term of office.

Dear (1976 and 1992) refers to a three-stage cycle which occurs in each incident of locational conflict. These are:

(1) Youth – this first stage is where the proposal first comes to light. Those living directly near to the location object in often 'raw' and 'irrational' terms.

(2) Maturity – the debate becomes more public and the arguments are made upon more rational grounds, such as falling property prices, increased traffic and so on.

(3) Old-age – Dear refers to those with 'staying power' as being the probable victors in a conflict that can be long and drawn-out, but it is suggested that both sides do make concessions and that arbitration or mediation is adopted.

NIMBY responses can derail new developments, and there are plenty of examples of this happening to proposed new Gypsy and Traveller sites. Dear (1992) suggests that 'community relations' are an essential part of every new development programme and that there are two alternative approaches:

(1) In the collaborative approach a local authority would consult directly with the local community and this would indicate the community's right to be informed and participate in the decision-making.

(2) The autonomous approach suggests that the 'clients' are the priority, rather than the local community; the organisation proposing the development acts independently of the community. Dear suggests the organisation *'…reject the notion of difference, and insist on the clients' rights to live, work, play…Providers, clients, and their advocates involved in this approach usually reply to challenges from disgruntled opponents with: "You didn't seek permission to move into this neighbourhood, so why should we?"'*. (page 294)

For new Gypsy and Traveller sites, perhaps the most appropriate way to deal with NIMBY objections and conflict is to steer a middle course. Examples of successful planning for new sites, described in the following chapter, rely on clear and inclusive communications plans involving all stakeholders – not just the local settled community, but with the travelling community and local politicians and the media. Following this mid-way course demonstrates that the authority is listening to the concerns of local people, but it also supports the rights of the travelling community by standing behind the decision to provide a site.

Schively (2007) discusses a further, related, concept to NIMBY and NIMTO. LULU (Local Unwanted Land Use) focuses intently on the siting process. This, again, is exemplified in some of the failed attempts to include Gypsy and Traveller site locations in local development plan documents; and is discussed in more detail in the following chapter in relation to selection criteria. Schively states that:

> *The perceived fairness of the siting process seems to be a key issue here. One significant finding is that an individual's perception of costs and fairness of the siting process will influence his or her response to the proposed LULU.* (page 259)

Conflict mapping

Conflict mapping may serve as a useful basis for investigating the issues in a locality. Fisher *et al.* (2000) examine a range of models to look at analysis, strategy, action and learning about conflict. One of these conflict models can be adapted to analyse the parties involved in any given issue or area. This can help to highlight the particular

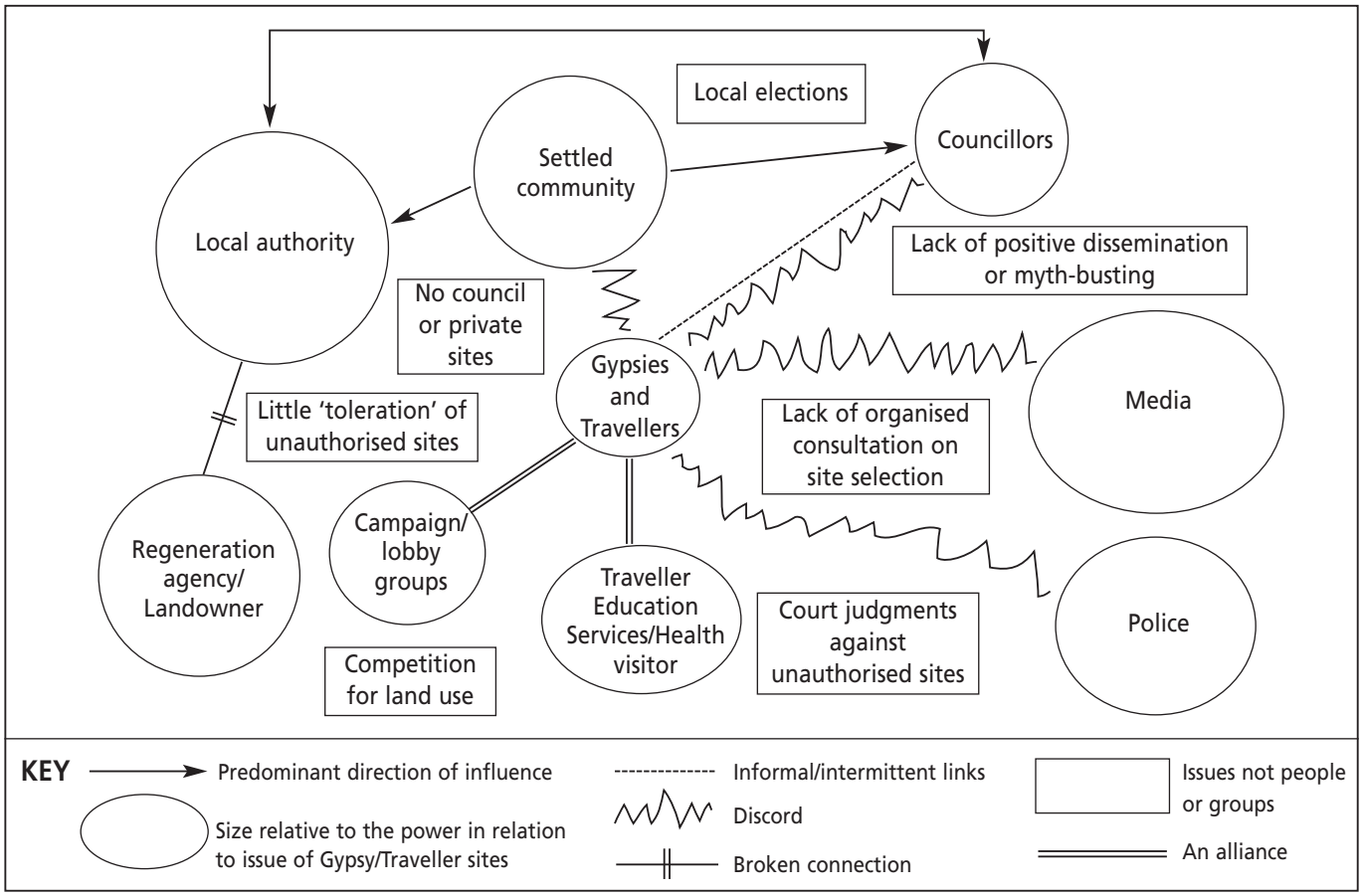
problems between parties, and can also demonstrate where existing alliances can strengthen the situation. An example has been created using an amalgamation of factors, in order to demonstrate the mapping model, at Figure 3.2.

The example conflict map shows the position for an area where there is current tension. The issues are shown in the boxes, and the groups or individuals are shown in the circles. In this example there are no existing council or private sites and a firm approach is taken with unauthorised encampments. There has been debate on potential future sites, but it was not a positive experience. The landowner has withdrawn an offer of use of land for a site; public objections have been fuelled by the media and by a reluctance to support the proposals by elected members; however, some councillors have said they are willing to engage with this issue. Gypsies and Travellers have been marginalised, but there are some strong relationships with a national campaign group and with Travellers Education Services, and the health worker.

The map is a tool which plots the current position and can show starkly where the strengths and weaknesses are. For instance there is a strong relationship between the Gypsies and Travellers who have been in the area, and the health and education services. How could this be used to help promote good community relations, to inform the public and to provide support for councillors in site decision-making? The map also shows where the strongest discord is; one example of this is the media. This is therefore a priority for action and steps need to be taken to promote positive stories to the media in order for a more balanced picture to be presented to the community.

The conflict mapping process is just one example of a tool which helps local authorities to understand the current position and identify areas that need prioritising and addressing. Another method that can be used to move the agenda of site provision forward is a commonly used change management tool: force field analysis (Lewin, 1951). Where conflict mapping examines the current position, force field analysis requires a little more anticipation. The current position is reflected in the 'forces for change', for instance the known context of the issue; however, one must also note down the 'resistors to change', for instance the known and anticipated issues and people that might stop the proposal from happening. The strength of, both the forces for, and the resistors to, change can be denoted by putting a number next to each issue. For example, if there is likely to be very strong opposition from a particular local community, then this might have a 5 put next to it, but if the opposition from councillors might be reduced because of a planned training and awareness campaign, then this might score a 2 or 3 in strength of anticipated resistors to the proposal. Once the forces for and against the proposal have been plotted, and their strength analysed, the choice remains whether the local authority can reduce the strength of the resistors to the proposal, or increase the forces for the proposal. A number of tactics can be employed, examples of which are discussed further in the next chapter. An example of this tool is also demonstrated at Figure 3.3.

Figure 3.2: Example: Conflict map



Source: Based on conflict mapping example, Fisher *et al*. (2000) page 23.

Figure 3.3: Example: Force field analysis

Positive or driving forces				Negative or restraining forces
Legal requirements – Housing Act (2004), Circular 1/2006, Planning and Compulsory Purchase Act (2004) etc.	→	**Objective:** Develop a new Gypsy/ Traveller Site	←	Lack of high profile political support from senior government figures
Government funding for sites (£56m)	→		←	Additional financial cost of provision for management/support
Impact of non-provision – cost of unauthorised encampments	→		←	Financial and social cost of new site reported adversely in the media (e.g. alleged affect on house prices)
Lobbying from campaign groups and Gypsy/Traveller representatives	→		←	Public campaigns opposing sites NIMBY/NIMTO
Leadership by key councillors supported by other local politicians	→		←	Political cost of provision – opposition to sites from some local politicians
Incremental and organised dissemination of Gypsy/ Traveller facts – 'myth-busting'	→		←	Current national and local media representation of Gypsies and Travellers
Existing sites are well-managed	→		←	No existing sites or poor sites at present Unauthorised sites considered unsightly
Good design of new sites	→		←	Sites seen as 'too nice' or 'too expensive' Competition for land use – house-building, local play area etc.
Clear and organised communications and consultation strategy	→		←	Knee-jerk communications and consultation – resulting in large public meetings
Inclusion of potential sites in current local plan, or future development plan documents	→		←	Withdrawal of support/agreement from landowner
Well-reasoned and negotiated criteria for sites	→		←	Criteria too detailed and impossible to meet

From conflict to cohesion

The current political agenda necessitates moving the Gypsy and Traveller site issue from one of conflict to consensus and to promote cohesion; it is not possible to continue with the status quo in an area where there is tension over site provision. The political drivers for change include human rights and race equality legislation, the sustainable communities and social inclusion agendas, as well as debates on community cohesion. Fundamentally, the drive to move from conflict to cohesion is to recognise that the 'settled community' and Gypsies and Travellers are part of one community.

Once the key tensions and alliances in a local situation have been identified, the aim must then be to provide steps to community cohesion. By allowing the conflict to be aired in a positive way, for instance through well-managed consultation processes, substantive issues can be addressed and any remaining 'myths' can be dispelled to counter the high emotions which are often evident. In some areas, the conflict reaches a kind of hysteria where there are public marches in some areas, and death threats by a councillor in another. Cantle (2005) discusses this noting:

> *…The suddenness in which mass anxieties [arise] and the demonisation of one group by another group cannot be overestimated and both our affections and our disaffections, are very susceptible to mass manipulation and even hysteria – the concerns about Muslims in general or the way in which Eastern European 'gypsies' have been whipped up by the British press and media have been recent examples of this.* (Cantle, 2005: 107)

The propensity for mass local hysteria and demonisation of Gypsies and Travellers can be reduced in local areas by taking a number of steps and by having key foundations in place, examples of which are included in the next chapter. A number of government guidance reports have been published on the community cohesion agenda. The Home Office/ODPM (2005) practitioners' toolkit, *Community Cohesion: Seven Steps suggests* the following route to community cohesion:

- Leadership and commitment
- Developing a vision and values for cohesion
- Programme planning and management
- Engaging communities
- Challenging and changing perceptions
- Community cohesion and specialist areas
- Ensuring sustainability of programmes.

Some of these steps are echoed in the findings presented in the following chapter – particularly the need to change perceptions, engage communities, and leadership.

Conclusion

There are a range of issues which feed into local conflicts around Gypsy and Traveller sites. This brief chapter has outlined some of the key concepts of conflict resolution including the NIMBY/NIMTO debate. It suggests there may be a need to map out the key domains of any conflict, examine the key tensions and alliances and then promote community cohesion for long-lasting resolution. Some of the tools presented, such as the conflict mapping or the force field analysis, can be used on a practical level as a starting point for prioritisation and action. The next chapter examines the six case study areas to assess how conflicts have been resolved in practice, and provides examples of the three-phase cycle of youth, maturity and old-age suggested by Dear (1976 and 1992) and the need for clear site selection criterion, in line with the challenges mooted by Schively (2007).

Chapter Four
Findings: Providing Gypsy and Traveller sites

Introduction

The key aim of this research was to establish how local authorities can plan for appropriate accommodation for Gypsies and Travellers; and how any arising community conflict can be resolved. This chapter examines the findings from six case study local authority areas, along with a few additional examples from broader research, to enable lessons to be learnt from the challenges faced in some areas and the positive outcomes achieved in others.

Community tension and conflict often arise in the debate around provision for Gypsy and Traveller sites. Different areas can have unique or rare historical or contextual issues which inform the process or outcome of a particular case. For example, in one area an existing tension based on a high number of unauthorised encampments may result in the community galvanising into action to find a solution in the form of a new site. Equally, there are examples of cases where high numbers of unauthorised encampments can manifest in a great deal of conflict and opposition to new site plans. In another community there may be less of an issue of unauthorised encampments and therefore a perception that, in spite of only a small number of additional pitches being required in the GTAA, there is no need for a new site, resulting in increased opposition to proposed plans.

The approach taken in one area therefore may not work in another and it is important to note that for many arguments put for site provision, a counter argument can also be made. However, the findings in this chapter demonstrate there are particular challenges that will result from inaction and poor communication processes, and that successes can be gained from following certain steps.

The research identified three main arguments that were significant in developing a case for site provision. These were (1) the legal case, (2) the business case, and (3) the moral case for site provision. In discussions with councillors on their reasons for supporting the local strategy for analysing needs and providing sites, one or all of these 'cases' was often used as a basis for decision making. Examples of underlying points that support these three different cases, include:

Legal case

- Housing Act (2004), Circular 1/2006, Planning and Compulsory Purchase Act (2004), Homelessness Act (2002), Race Relations Act (1976) as amended by the Race Relations (Amendment) Act (2000), Human Rights Act (1998) requirements.

Business case

- Government funding for sites (£56 million).
- Cost of non-provision: cost of unauthorised encampments and unauthorised developments.

Moral case

- Inequality of standards of life expectancy between Gypsies/Travellers and the wider population.
- Problems for Gypsies and Travellers in accessing education, health and employment.
- Political context of social inclusion, community cohesion and sustainable communities policy agendas.

The research suggests that four issues were critical for site development to be addressed positively at a local level: a positive context for exploring the debate, including from the local media; effective management of existing authorised and unauthorised sites; effective consideration of new sites with clear, well managed communication of proposals and strong political leadership to set the context for action. The findings are therefore organised into four main themes:

- Context for the debate: perceptions of Gypsies and Travellers
- Management of sites, encampments and development
- Communication issues and site selection criteria, and
- Leadership and political will.

Examples of good practice are highlighted in boxes throughout.

Theme One: Context for the debate: perceptions of Gypsies and Travellers

The first theme concerns the number of perceptions of Gypsies and Travellers which are commonly relayed in public, political and media discourse (Richardson, 2006). Some of the themes which frequently emerge are (1) mess and financial cost of Gypsies and Travellers, and (2) criminal activity and 'flouting' of planning regulations.

In every sub-group of society there will be a minority of people who act in an anti-social manner and who commit crime. However, there is persistence in the portrayal, in the media, and by those who want to make political capital, that all Gypsies and Travellers behave in this way. Challenging these commonly held perceptions and providing a more positive context for public debate is one of the first steps to successful future site provision. The nature of these debates is considered below.

Perception one – the lifestyle of Gypsies and Travellers is messy and costly

In one of the case study site's local papers, the following article gave a fairly typical representation of the link between Gypsies and Travellers and cost and mess:

> ***An Absolute Disgrace.*** *Residents in X were left fuming after gipsies abandoned their illegal encampment leaving piles of human excrement, soiled nappies and rubbish... residents claimed the way the gipsies had treated their neighbourhood was an 'absolute disgrace'.* (Local authority Four observer, 16/10/06)

Examples of rubbish dumping following some unauthorised encampments are given by local authorities and neighbours. As with many of these local stories, it is not possible to verify independently whether the mess was left by the Gypsies and Travellers. There may be some legitimate concerns for residents where there are no infrastructure or support services for new encampments. It may be necessary for refuse collection and sanitary facilities to be arranged. However, not all mess on encampments or sites is created by Gypsies and Travellers. Whilst practical measures may be needed to combat some of the issues of cost and mess on some sites, it is essential that the negative media portrayals of Gypsies and Travellers based on some individual cases, is not allowed to demonise the whole travelling community.

In Local authority Two, following a high profile case and subsequent eviction, the cost issues were reported nationally:

> ***£750K for gipsy bill.*** *Gypsies booted off a recreation ground lost the latest round in their legal battle yesterday – leaving taxpayers with a £750,000 bill.* (The Sun, 09/03/06).

This perception on cost is not only linked to unauthorised encampments per se, but also to the 'othering' of the Gypsy and Traveller lifestyle by putting a cost on it. This type of perception can be manifested in the media through emphasising the price of a legal case, or a piece of research, or ridiculing positive strategies to help the travelling community. For instance, the completion of the GTAA in Local authority Five was included in a national newspaper report:

> ***Countryside 'overrun by 8-fold rise in travellers'.*** *A swathe of the countryside is being overrun by gypsies, a report reveals…The unprecedented rise was discovered during a £100,000 study to assess travellers' needs – the largest ever such survey…* (The Express, 06/06/06)

Local authority Five was also criticised in the national media, for its part in the production of a CD advising Gypsies and Travellers on the reporting of hate crime:

> *The bizarre move [to produce the CD] in March this year happened in the [Local authority Five] area which has 6,000 gipsies, the biggest concentration in the country. It was financed with £10,000 from a Home Office fund. Sgt X, who has the barmy title of Hate Crime Manager, said: 'People see a lot of negative publicity about travellers and very little about their plight'.* (The Sun, 03/08/05)

Cost concerns can, on the other hand, be used in arguments to support the need for more sites, and this is certainly the case in Local authority Five where a business case is made for more site provision, on the basis of keeping costs of unauthorised encampments down, as Gypsies and Travellers would have alternative places to stay

which could be more effectively managed. Morris and Clements (2002) examined the costs of unauthorised encampments and discussed these in relation to costs of non-provision. They suggest that not providing sites, in some areas of the country, can be more expensive than providing more accommodation.

Perception two – Gypsies and Travellers commit crime and 'flout' planning regulations

In only one case study was there overt discussion of a perceived link between Gypsies and Travellers and crime. One of the councillors for Local authority Three discussed alleged thefts of lawnmowers, cars, bikes and caravans, damage to cars, and a dispute between two brothers which resulted in a shooting. Although this link with crime was only discussed overtly in this individual instance, it is represented in many areas in local newspaper reports, or through the discourse of objections to new and proposed sites.

> ***My terrifying 24 hours as a gypsy gangster.*** *Like many liberal-minded people, I used to be a shrug-of-the-shoulder sceptic when it came to stories about gangs of criminal gypsies marauding the countryside, showing utter contempt for the law. Now, having spent 24 hours in their company, I just feel naïve. For in that time I was witness to a remorseless crime spree, fuelled by cocaine, both in darkness and in broad daylight, spanning several counties, during which no one's property was safe. I had gone to 'live with the gypsies' in* [Local authority Four]… (Mail on Sunday, 10/04/05: 37)

Linked with the perception of crime is the assumption that Gypsies and Travellers trespass and that they disobey planning regulations. In Local authority Two, the councillor with portfolio for neighbourhoods and housing talked to the local paper about one encampment:

> *As soon as we had reports that travellers had settled on the recreational ground in…, we took action and have now started the necessary legal action to remove this unauthorised encampment as quickly as possible. We have also called upon [the] police to take action under section 61, which allows the police to move travellers quicker than through a court order. The current legislation is weak and should be altered to make it a criminal offence to park in this unauthorised way.* (Yorkshire Evening Post, 12/07/06)

One example from a non-case study area in the South demonstrates the costs associated with dealing with a large unauthorised development:

> *A whopping £700,000 set aside to bulldoze illegal traveller sites in xx... has been spent – despite the council being no closer to tackling Europe's biggest unauthorised camp...[the] Labour group leader, said: 'This is considerably more than we thought it would be and you have to ask what it has achieved. You don't just pour money in unless you get something out and the strategy must surely have to be reviewed as it is not benefiting the wider community'.* (Local Newspaper, 9/02/07)

Whilst some would use this as evidence that providing an authorised site is cheaper than non-provision, which has led to unauthorised development, there is also a strong counter-argument in this area, that planning regulations must be adhered to and that these court cases are necessary to do that.

There are of course examples where unauthorised developments have occurred across the country and either no permission has been sought, or a retrospective application is submitted. However, this is not the case across the board. In the cases where this does happen, some may argue that Gypsies and Travellers have been forced into this position because of the lack of alternative provision. They may also not wish to comply with the way that mainstream society imposes these conditions on access to space.

Dispelling the myths

The influence of negative representations of Gypsy and Traveller issues in the media should not be underestimated. This forms part of the social construction of Gypsies and Travellers as 'other' and perpetuates the general acquiescence of politicians and the settled community to discriminate against the travelling community (Richardson, 2006). The Commission for Racial Equality (CRE) has recognised the problem of media representation in exacerbating discrimination against Gypsies and Travellers and in England they have produced *Guidance for journalists*. This guidance advocates that journalists steer clear of exploiting prejudice by checking facts, do not let their news agenda be driven only by the way others are handling it, that people look behind the story line, and listen to the people they are writing about. The CRE in Scotland has also produced a comprehensive *Resource for the Media* which includes substantive information for journalists on the origins of Scotland's Gypsies and Travellers, economics, culture, accommodation issues, health, education, and the law.

Monitoring and challenging media representation of Gypsies and Travellers is vital in managing perception. Currently, the Press Complaints Commission is limited to investigating complaints from a particular individual and it does not examine the portrayal of 'groups'. However, there is a debate on whether groups could be protected by the Commission in the future; indeed Lord Avebury, a key political activist on Gypsies and Traveller concerns, who introduced the bill for the 1968 Caravans Act, has called for this. Individuals and groups are monitoring the media and are complaining about representations of Gypsies and Travellers. The Institute of Race Relations has produced a guide for anti-racist campaigners, *Working with the media* (2005) and there are also examples of direct action being taken by Gypsies and Travellers. For instance, the Gypsy Traveller Media Action Group was established about five years ago as a voluntarily run organisation, with a national focus for media coverage on Gypsies and Travellers, but it has been unable to continue because of insufficient resources to carry out the work.

The impact of media representations locally can be significant. In Local authority One, there was immense strength of feeling over the representation of Gypsies and Travellers in the local media. One Traveller suggested that they added *'fuel to the fire'* in the local debate. The councillor with portfolio for Human Rights and Equalities suggested that the local press were, *'…vociferous and anti…council'*, however:

> *…to date the Press have not really found any negative material to use, likewise, they have neglected to use any positive material and opportunities that have been presented…* (Letter from councillor, 01/02/07)

An anecdote on media representation was recounted by the chair of a Gypsy/Traveller planning conference in early 2007. A discussion forum debate on the website of a national newspaper had been brought to his attention and he attempted to counter the negative arguments and to write a positive comment on the forum; but rather than his comments being published, the discussion string was closed down.

Work to address media representation of Gypsy/Traveller issues can pay dividends, as seen in Local authority Five.

In Local authority Five, there has been a lot of work to inform the local media of Gypsy and Traveller culture and issues, and to maintain a good working relationship with them. One local paper was invited to visit a Travellers' site for themselves, which they did. The resulting newspaper article was positive:

> [Local authority Five] *has one of the biggest populations of gypsy travellers in the country, yet few of the problems plaguing other regions. Frictions between settled and travelling communities are few because of the positive approach and hard work undertaken by* [Local authority Five] *District Council...* (Gibson, 2002: 14)

Alongside this, the council has provided training to officers and councillors in order to disseminate facts about Gypsies and Travellers, and to dispel some of the long-held myths. Training days are for a mixed audience, bringing together officers from different departments, along with councillors from the district and the county. A range of speakers are invited, but with a particular focus on Gypsies and Travellers themselves; for instance, including a well-known Gypsy journalist and broadcaster, and a renowned local Gypsy man who owns a site and museum in a neighbouring county.

Over recent years the local 'news value' of Gypsies and Travellers appears to have fallen – they are no longer on the front page, just because of who they are. More often than not, unauthorised encampments are reported, responsibly, later in the newspaper. The Traveller and diversity manager is well-known locally and nationally, and he does a lot of work with local radio and television, promoting facts about the Gypsy and Traveller culture. There is also a dedicated radio show aired in the region which is hosted by Gypsies and Travellers for the travelling community. Examination of the coverage of Gypsy and Traveller issues in the local press for this study revealed a positive and balanced representation of the issues.

Even where the national media made a concerted attempt to find issues of tension in the Local authority Five's area there was a cohesive response. Councillors and officers were contacted (sometimes late at night) and, local people were questioned. All were asked what tensions and problems there were with Gypsies and Travellers in the area, and the media were consistently told by respondents that there were no tensions or issues. In another area, without these foundations in place, the media investigation might have induced a negative discourse and debate, leading to increased conflict and tension, such as the type of hysteria described by Cantle (2005) in the previous chapter.

Further afield, the East Midlands Regional Assembly also plays a part in getting information out to the public and the media in a responsible manner. A recent *Media and Public Information Pack* on the review of Gypsy and Traveller Accommodation for the regional plan was published. This followed consultation with Gypsies and Travellers and aimed to provide the information to the public and the media in a non-sensational way.

In Local authority Two, the Gypsy and Traveller representative organisation have led on a project with the Northern Network (a group of organisations and individuals representing Gypsies and Travellers) and have received government funding from the ethnic minorities innovation in homelessness pot, of £395,000 over two years to provide a project called 'We're Talking Homes'. This project places a Gypsy and Traveller in each of the three regional government offices with a distinctive job role to bridge the gap in understanding between local government and Gypsies and Travellers.

Theme Two: Managing sites, unauthorised encampments and unauthorised developments

This second theme of findings from the research encompasses a broad range of issues around management of the sites used by Gypsies and Travellers including both authorised sites and unauthorised encampments and private developments. This includes how the dual roles of support service provision and enforcement for Gypsies and Travellers are addressed within the council, as well as how council sites themselves are managed.

Provision of Gypsy/Traveller services

How well sites are managed at a local level depends on the experience of the staff involved, the links between different agencies and the understanding of Gypsy and Traveller issues. Also important are the resources dedicated to this. In some areas there has been a big investment made on providing the actual site, but then very little spent on management and liaison, which has had adverse long-term consequences.

Across the six case study areas there was a mixed approach to staffing among local authorities. In some of the case study areas there were issues around staff turnover, sickness and general turbulence in the provision of services. In Local authority Six, for example, the services for Gypsies and Travellers used to be provided by one unit. Latterly though, management of the local authority sites has been taken out of the Safer Communities Unit (comprising two liaison officers, police officer and health worker) and put into the Housing department, where there is not such a wealth of experience or a historical knowledge of Gypsies and Travellers in the area.

In Local authority One, a Gypsy and Traveller Strategy Group was established in 2003. The group comprises the cabinet member for equalities and human rights, members of community organisations, a range of professionals and members of the Gypsy and Traveller communities. The Group's aims are to share information and good practice, present a 'joined-up' way of working with Gypsies and Travellers, dispel 'myths' and break down barriers, whilst making improvements on social exclusion.

The issue of split functions arose in most of the case studies, during discussion on site management. Some officers insisted that it was essential that roles were split between enforcement or management and liaison. In Local authority One there is a Gypsy and Traveller Unit with a team leader and three other officers. There is a degree of split functions, one officer is out on sites and is seen as 'liaison', another is purely 'enforcement' and the third has more of a dual role. This distinction in roles in the main part is so that an officer doesn't have to be 'nice' one day and 'nasty' the next.

The opposite approach is taken in another case study area, where the management role combines 'liaison' and 'enforcement' successfully:

In Local authority Five, services for Gypsies and Travellers are run by three people who manage the sites, liaise with Travellers and provide support to Travellers on sites and in housing. The culture of understanding Gypsy and Traveller issues is not just confined to these three members of staff, but is shared from the top of the organisation, with the chief executive, through other departments such as planning. There is a close working relationship with the planning officer and also across to the county council officers too. Gypsy and Traveller services are provided under the chief executive's department which helps with the cross-cutting issues of service delivery. The service is driven by the diversity and Traveller manager, with a Gypsy/Traveller site support officer, and a further site officer who undertakes small repairs and deals with other site management issues, as well as policy and procedure development. The diversity and Traveller manager believes strongly in a dual role of liaison and support, coupled with management and 'enforcement', this helps to back up the culture of 'firm but fair'.

Local authority Three has not found it so simple to combine enforcement and liaison. This might be linked to the changes in management, from the county to the district, from 'contracted-out' management to an in-house temporary arrangement. The officer in Local authority Three, charged with this new dual function, is the same individual who used to provide a pure 'liaison' service and there is a perception that the previous trusting relationship has been undermined. In Local authority Five, there has been a consistency of provision, both in structure of the unit, and in the individual in charge of the service which has worked well. This success appears to be due to the fact that their enforcement is fair and proportionate, and the communication between members of the team, and with Gypsies and Travellers in the area, is based on mutual respect and trust.

Management of sites

A previous piece of research for the Joseph Rowntree Foundation by Tom Duncan (1996), *Neighbours' views of official sites for travelling people* studied three sites for Gypsies and Travellers. Duncan went back to residents, who had objected at the time that the sites were being developed, and found that many of their fears had dissipated after sites were established and that problems were far fewer than they had anticipated. This links strongly with the notion that people fear Gypsies and Travellers who are seen to be 'other' (Richardson, 2006) and that once they become neighbours, and if their sites are well-managed and maintained, then there is no longer anything to fear.

Good management of sites is both important to the well-being and happiness of resident Gypsies and Travellers, and is key to improving the settled community's perception of the travelling community. The Department for Communities and Local Government (CLG) has provided draft guidance for consultation (May 2007) on site management. It provides detail on repairs and maintenance, for example, and what should be included in the licence agreement for pitches on sites.

In Local authority Five 'firm but fair' management is strongly advocated by the diversity and Traveller manager who feels that this creates satisfied residents and well-run sites. Good site management in this local authority is seen as key to overall community cohesion; Gypsies and Travellers are seen as 'residents' and members of the local community.

Support for firm site management is shared by Gypsies and Travellers themselves. For instance, in Local authority One, in consultation with community representatives prior to preparation of the Gypsy and Traveller Strategy, one of the reasons given for preferring smaller family-run private sites to local authority sites was that unchecked anti-social behaviour could lead to failure of a site:

> *Most of those consulted had seen instances where unruly, violent or lawless, people had been allowed onto sites and caused trouble, disrupting the site and upsetting people. What subsequently happened is that people left of their own*

accord to escape the trouble, or in some instances, were forced off so that somebody's friend or relative could get their pitch. This results in a site where anti social behaviour becomes very much a normal way of life with other Gypsies and Travellers feeling that they are unable to live on the site. (Local authority One Gypsy and Traveller Strategy, 2006: 21)

In Local authority Five, before a new family move onto a pitch on a local authority site, there is an allocations process – this is dependent upon accommodation need, but families already living on the site are also involved in order to ensure minimum disruption to the equilibrium on the site. Once they arrive on site, a new family will be given a *Travellers' Sites Welcome Pack* which is available in a paper format, or on DVD. This provides information on accessing employment, advice and health, as well as supplying contact details for local churches and other local facilities. Symbols are used to denote certain services, to help those with difficulties around literacy, to understand the information. The support officer visits every new family early on and completes a comprehensive *Supporting People Plan*, including a separate plan for the children in the family. This plan identifies support required to maintain independent living and access to the right services and is renewed on a six monthly basis. With this careful planning and support, it is rare that there is a need to evict a family from a site – it was estimated that the last eviction was about five years ago.

Dealing with unauthorised encampments and developments

All of the case study local authorities claimed to have a policy of 'toleration', allowing small unauthorised encampments, in appropriate locations, to stay for a while; although some areas were more 'tolerated' than others in reality. Some police authorities use their powers under the Criminal Justice and Public Order Act (1994) to the letter of the law, whilst others exercise a degree of discretion, when issuing Section 61 notices requiring encampments to move on, for instance.

All of the case study councils made a visit to talk to the Travellers and to assess any immediate needs. In one local authority a skip was provided to dispose of waste, where necessary, while in other local authorities Travellers were given bin bags and told where to access the nearest water supply. Other initiatives are outlined below.

In Local authority Six quite detailed records are taken down including vehicle registration numbers and caravan details. This information is taken so that the Unit can monitor who is still on the site and whether additional Travellers have arrived. Photographs are also taken so that any damage or rubbish dumping can be evidenced. This has been demonstrated to protect some Gypsies and Travellers, as it has been known for fly-tipping to occur after an encampment has moved on and the photos can demonstrate that it was not the Travellers who tipped the rubbish. On 'tolerated' unauthorised encampments, black bin bags are given and a daily collection service is provided. There is good liaison with the health and education services and the playbus will sometimes go out to new encampments.

Local authority Five stated that it had 'nil expenditure' on dealing with cleaning up after unauthorised encampments (although there are associated costs with the provision of refuse collection and visits from the team and from the police). There is a 'firm but fair' approach, with people pitching on inappropriate sites asked to move on as quickly as they can, and this usually happens. There was one instance of a family returning to the area soon after they had been asked to move on. However, other Gypsies and Travellers spoke to this family and said that they were not acting fairly and pointed out the ramifications of their actions on other Gypsies and Travellers who lived in the area, because of the perception of unauthorised encampments. The family apologised and quickly moved on. This is a further example of the good quality communication and the mutual respect and trust that has been built in this area.

The costs of dealing with unauthorised encampments can inform a 'business case' on which councillors and the public can make decisions to support new site development. One of the councillors in Local authority Five, who is also a county councillor, has made this case very successfully to her fellow members. She keeps reminding them that at present there is 'nil expenditure' on unauthorised encampments as alternative sites are available for Gypsies and Travellers, and that core management of existing local authority sites is self financing. However, it is made clear that this stance can only be maintained if new sites are provided to meet growing future demand. If sites are not developed then the councillor suggests that Local authority Five might start to see bills similar to one of its neighbouring authorities in relation to unauthorised encampments.

Unauthorised private developments also need to be managed. There are examples across the country of 'tolerated' developments. It may be difficult to regularise some long-term unauthorised private sites because Gypsies and Travellers may not wish to, or cannot afford to, go through the usual planning procedure to obtain permission, even where it is likely it will be given. However, it is important to attempt to make decisions on all unauthorised developments, rather than to let an issue drift. One recent local government ombudsman finding of maladministration against a council in the South East of the country highlights the dangers of non-decision-making.

> *A complaint about the unlawful occupation of land by two Gypsy families remained unresolved after 16 years. An investigation by the Local Government Ombudsman…found that X District Council failed to take decisive action. As a result, a couple who lived next to the land continued to suffer nuisance... Following a landmark House of Lords decision (the 'Porter' case) concerning human rights issues in May 2003, the council should have decided whether to take legal action, and if it decided to do so, it should have done so promptly. It decided to take legal action, but three years later no action had been taken... The Ombudsman found this delay was maladministration.*
> www.lgo.org.uk/planning.htm (05/C/15987)

Tackling problems in access to services

Local authorities have a duty to promote good race relations, and they also have a role in promoting social inclusion, particularly for Black and Minority Ethnic groups and other disadvantaged people. However, in some localities Gypsies and Travellers have experienced problems in accessing services.

In Local authority One, the council heard from a panel of Gypsies and Travellers that they were facing problems accessing a range of services, particularly GPs. In response to this, some background research was carried out, and a meeting was held with Gypsies and Travellers where a number of presentations were made. One of these was given by the Patient Advice and Liaison Service (PALS), which gave advice to the travelling community on their rights, plus contact information was given for PALS (who have the ability to compel doctors to take on new patients where there is a need) for Gypsies and Travellers to phone when there was a problem. A health needs assessment was also initiated, with findings due to report in 2008. A further issue identified in the locality was the use of 'No Travellers Allowed' signs in pubs, and the use of doormen to reject Gypsies and Travellers. The Commission for Racial Equality was consulted, but the council hoped that the discriminatory practice could be resolved by a voluntary policy, rather than action from the CRE. This is still an ongoing, incremental process; however there are clear duties under the Race Relations (Amendment) Act 2000 to eliminate unlawful discrimination.

There have been two health studies in Local authority Two which have outlined some of the challenges that Gypsies and Travellers face, and the importance of appropriate sites to Gypsy and Traveller health:

> *It can clearly be seen that the availability of well-designed and well-run sites, and the availability of transit sites, is a significant factor in the health status of Travellers. Basic amenities include laundry facilities, play areas, running water, electricity, flush toilets, refuse collection, amenity huts and postal deliveries. A significant finding from specialist health visitors is that for Travellers, their immediate concerns over environmental conditions take precedence over health improvement issues.* (Tavares, 2001: 13)

Local authority Two has responded to concerns about access to health and education among Gypsies and Travellers with the introduction of outreach services. The Primary Care Trust provides a health bus which visits the local authority site and encourages residents to use the health facilities. The bus is staffed by a doctor, health visitor, mental health worker and the driver. A range of outreach educational services are also provided through Traveller Education Services (TES) including a nursery bus which visits roadside encampments, a toy library, and a library bus. A mobile classroom operates on the local authority site on four weekday mornings and a bus is provided to take children from the site, to school (as the site is a long way from the nearest school). Induction weeks are run in order to help primary and secondary school children settle in. Attendance records are checked by the education team, so that absent children can be followed up quite quickly in order that additional support can be given. In order to combat racism in school, there has been a 'story-telling' project which provided positive information on the travelling communities.

Local authority Five has also ensured that Gypsies and Travellers are connected into wider initiatives such as SureStart and Supporting People schemes.

There is a SureStart scheme on one of the Local authority Five sites which is a vital network for Travellers on site, but also those living in houses nearby. The scheme has been extremely popular. Local authority Five's Supporting People review of its services to Gypsies and Travellers also noted *'The staff we spoke to during the visit were very sensitive to the needs of the service user group and had great knowledge on this minority group'*. They were also complimentary on the feedback they had obtained from sites, stating that Local authority Five had the highest number of people willing to be interviewed with a 45 per cent response rate, and this feedback suggested that Travellers had good formal communication with the staff through regular visits and meetings. The summary of the review concluded:

> In Local authority Five, one quote speaks for many residents. When asked *'Can you tell us what makes it a good place to live?'* the reply was *'Clean and tidy site, all your repairs are carried out promptly, any problems are sorted out very quickly and the people running the site are pleasant, approachable, and very friendly. We are treated like human beings. They understand our cultural needs.'* (Supporting People Review Summary, 2006)

Theme Three: Proposing new sites – good communication policies with clear and simple criteria for new site selection

This third theme is one that is currently of great importance and urgency to many local authorities who are attempting to consult on including sites in local development plan documents. In initiating plans for new sites, clear approaches are needed on site selection criteria and these need to be conveyed through well-developed communications policies. The different approaches in some of the case study sites are examined here.

Following on from a consultants' report for Local authority Four in 2004 about potential sites, two Gypsy and Traveller sites were shortlisted from 28 possible options listed for development. It was proposed that one would be a permanent site and one would be a transit site. Both parcels of land were owned by a government regeneration agency and negotiations had been underway to discuss a lease of the land to the council, in order that sites could be developed in these two areas. Up to a point the land-owning agency had been considering this proposal, however, following a series of meetings, they decided not to go ahead with leasing the sites to the local authority. The first reason for this was that as part of a consortium of landowners in this area, they felt that having a Gypsy/Traveller site in that location might 'jeopardise' any planning appeal in connection with the parcel of land. The second main concern was opposition from the local community. Councillors voted against both of these shortlisted sites, following a particularly hostile consultation meeting; this is analysed in further detail, later in the report.

Local authority Five initially identified three potential new sites for development. A meeting was held with Gypsies and Travellers towards the end of 2006 to find out whether they would like to live on any of these sites. One of these sites was previously given permission for a Travellers' site. However, since it was developed the Travellers were asked to leave by the owner and the pitches have been rented to new European migrant workers instead. There is support from the wider community to bring this site back into the use that was originally intended for it – to house Travellers.

In Local authority Six there has been a different approach to proposals for new sites. One existing site has had planning permission for redevelopment approved by the local development agency for redevelopment. Three further proposed sites are already included in the Local Plan, following a consultation exercise in 1999, which led to adoption in the Local Plan in 2002.

Criteria for selecting sites

In the previous chapter, Schively (2007) was quoted regarding the importance of the perceived fairness of the siting process, and this clearly has ramifications for site selection criteria for future Gypsy and Traveller accommodation provision. There are a lot of considerations to take into account, such as development control and planning regulations, as well as the aspirations of Gypsies and Travellers and the opinions of the existing settled community. Balancing these different needs and requirements should result in a clear plan for the provision of new sites, where additional pitches are needed, and it should be clear whether this will be provided through private rented sites, small private family-run sites, or indeed local authority sites. Circular ODPM 1/06 makes clear that local authorities cannot hide behind extensive and confusing criteria for site selection:

> *The list of criteria adopted by a local planning authority should not be over-long as the more criteria there are, and the more restrictive they are, the greater the likelihood of authorities refusing planning permission. The Government wishes to see a more positive approach being taken to making adequate provision for gypsies and travellers in appropriate locations – particularly by those local planning authorities whose present policies have failed to meet current needs. The process by which criteria are adopted in DPDs will therefore be subject to close scrutiny by Planning Inspectors.* (Circular ODPM 1/06, page 21)

Local authority Five's diversity and Traveller manager made clear that they selected sites according to whether Gypsies and Travellers want to live there. It was suggested that because there is such a long history of Travellers living and working in the local community, there is not such a high level of contention and conflict as elsewhere.

However, in Local authority One area, there is also a large, long-standing, Gypsy and Traveller community, and there is still hostile media representation of Gypsy and Traveller issues. The successful cohesion in Local authority Five may be the result of

the longevity of Gypsies and Travellers living and working in the community, coupled with a concerted local policy of diversity training and promotion, and with the good quality communication and trust that has been cultivated locally. This level of community cohesion is the result of an incremental process and will take time. In the meantime, many local authorities feel they must take into consideration the views of the settled community before listening to the accommodation needs of Gypsies and Travellers. One example of this approach can be seen in a rural East Midlands district council, where councillors voted against shortlisted site proposals (in a webcast meeting to meet local demand) and a new criterion is to be added to the list that sites should not be near houses. The Circular discusses such general and hard-to-achieve criteria as 'unacceptable'. What is needed is a hybrid of Dear's (1992) collaborative and autonomous approaches – more of a consensus model.

Site selection criteria vary widely across the country. While one case study authority stated that they have no formal criteria, but rather, ask Gypsies and Travellers where they want to live, other areas use extensive lists of criteria and complex weighting mechanisms in order to prioritise suitability and acceptability of proposed sites. A further example is an authority (Example 1) in Figure 4.4 further on in the chapter, which states that:

> *The site identification exercise looked at the suitability of all the potential sites against the following criteria: access to local facilities, access to the site, availability of the site and scale of development works, impact on the landscape, the Local Plan policies and designations, and other factors such as other potential developments both commercial and housing. The Council also considered the guidance contained in Planning Circular 1/2006 Planning for Gypsy and Traveller Caravan Sites. The working group assessed each site against these factors, scored them and drew up a short list of six sites.* (Appendix A, Travellers Site Members Working Group Report)

In Example 2, in Figure 4.4, the authority undertook an audit of all council owned land. It conducted feasibility studies and consulted widely with a range of officers and examined 46 potential locations against 'objective' criteria – such as the grant application regulations from CLG. A shortlist of proposed locations was then tested, through weighted preferential testing, against a range of criteria, including:

- size;
- availability;
- physical access;
- other physical barriers;
- community (local resident and business) impact;
- Traveller preference;
- legal and planning requirements;
- sustainability;

- value for money;
- links to Area and Regional Strategy objectives;
- road safety and access;
- capability to access utilities;
- access to local services;
- ability to be 'screened from surrounding uses';
- community safety; and
- environmental impact.

This small selection of examples highlights the diversity of practice in site selection criteria. The site selection process can be problematic; working with a simple set of criteria is important and the overall approach needs to be clearly communicated and take account of both Gypsy/Traveller needs and those of the settled community.

Plans and designs for new sites

Combined with the importance of well managed and maintained and aesthetically pleasing existing sites, is the need for appropriate design of new sites. It is vital that Gypsies and Travellers are consulted right from the start, and that designs are sustainable. CLG has provided draft guidance for consultation (May 2007) on the design of Gypsy and Traveller sites, which sets out, for instance, standards on space and accessibility to amenities.

The photograph of a council site in London, opposite, demonstrates how poor design impacts on the safety of residents, and on the perception of Gypsy and Traveller sites. This is a well-known site and has been cited in a range of research. However, it is useful to examine again here. The photograph shows the road flyover runs directly over the caravans on the site. One of the residents, who is a campaigner for Gypsy and Traveller issues, told of occasions when vehicles had come off the road and landed on the site. This sort of site is not appropriate for Gypsy and Traveller residents, but it also serves to further mark them out as 'other'.

A better standard of design can be found in the architect's plans for redevelopment of a site in Local authority Six area.

In Local authority Six, the architect consulted with Gypsies and Travellers on the site which was to be redeveloped, as well as involving a range of stakeholders. His plans have been praised by the Travellers, and are recognised as an example of good design by CLG. The design includes landscaping and paddock areas for the horses. The utility blocks are double the size of existing facilities. The Travellers on the site are happy with the design, as are many at the council who hope for this to be seen as a model that can be replicated elsewhere. The overall site is substantially increasing in size in order to make it aesthetically pleasing and a nice place to live.

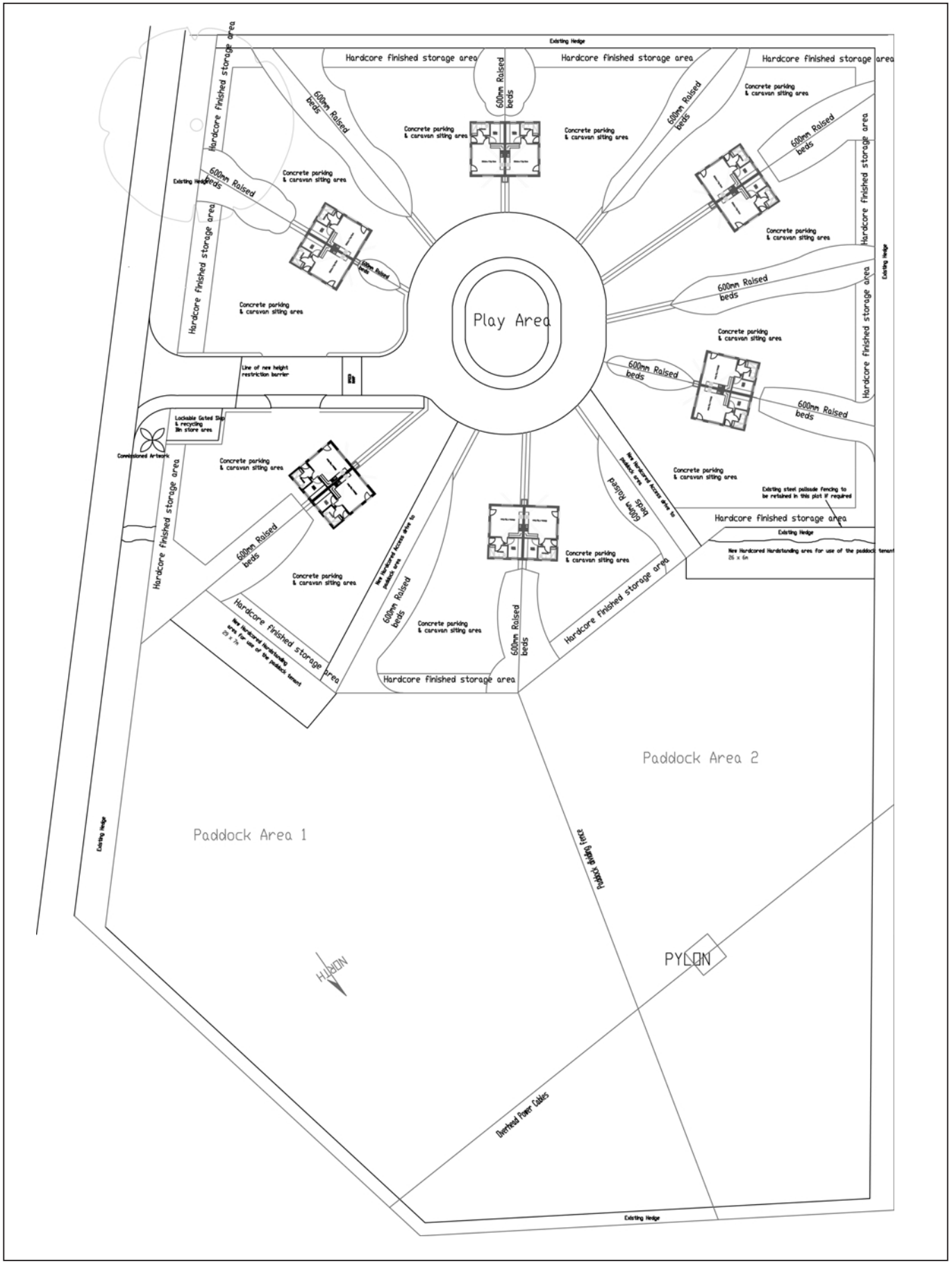
Figure 4.1: Example of the impact of poor design

However, there are some objections that the site is 'too nice for Gypsies and Travellers' from one councillor, and that the cost is too much. A Gypsy Traveller liaison officer has also suggested that there will be future management issues and that more Gypsies and Travellers will stop on the site because the pitches are bigger and there is more room. He suggested that policies and plans for site management needed to be identified ahead of the redevelopment.

This view chimes with the recommendations of the diversity and Traveller manager in Local authority Five – good site management is key. Whilst the local regeneration and development agency approved the plans, one representative suggested that it might be 'unfair' that for house-building there was a requirement for density of 50 houses per hectare and yet for Gypsies and Travellers on this site, there was a much lower density. This issue of low density development will also be an issue for Travelling Showpeople sites, where even lower levels of density are needed, in order to have room to store rides.

There is a difficult balance to strike in the design of new sites – there needs to be 'buy-in' from a variety of stakeholders – not just the existing or proposed, residents of the site. Those who will be managing the sites or issues associated with the sites, and officers in a range of agencies, also need to be able to back the plans. It is necessary to provide 'model' sites to show people what can be achieved with site design.

Figure 4.2: Example of good practice in site design



However, there will also be a need to demonstrate 'value for money' for those who need to be convinced on the 'business case'; and a parity of approach with other new housing developments in the region, for those who feel that Gypsies and Travellers are treated 'favourably' in the planning system.

Community consultation exercises

Local authority Four is the subject of a good practice case study on the Improvement and Development Agency (IDeA) website entitled *Managing growth and change in* [Local authority Four] (November 2006). In a section on 'Building relationships, creating consensus' the council outlines its approach to 'Listening to local people' and it discusses the consultation exercises on the potential Travellers' sites:

> *Alongside the consultation processes used for the Community Strategy,* [Local authority Four Council] *is also aware that it needs to respond to one-off issues that residents are concerned about.*
>
> *For example, a recent report on potential sites for travellers caused concern in the community, and a number of local people wanted to express their views to the Council. Knowing that it was a particularly emotive issue, the Council wanted to show they were listening to the views of local people and responded quickly, calling an open meeting in the civic offices which was attended by around 400-500 people, overflowing the building! A follow up meeting in the local arts centre attracted around 950 people, again exceeding capacity, so when a final meeting was held it was moved to the leisure centre, where around 1,300 people came along to express their views. Councillors and members of the Corporate Management Team sat on a stage in front of residents and took part in an extensive question and answer session. The Council felt this was a very brave but powerful move, and one that was much needed to reassure local people.* (*Extract from good practice note Managing Growth and Change in* [Local authority Four], www.idea.gov.uk)

The good practice note does not go on to say that the councillors felt so intimidated at the public meeting, by the strength of objections, that they backed down and voted against their own proposal for the two sites. As part of the consultation process, two petitions, with a total of 211 signatures, were received, along with 819 feedback forms, 292 letters and 367 emails, in addition to the 1,300 attendees at the meeting. The responses from the public were largely related to one of the two sites; there were objections to both, but one in particular caused the majority of objections. Some of these were based on misunderstanding, for example, that Travellers were perceived as a 'law unto themselves', that they only 'take' from society, and that they would create 'no go areas'. Some of the themes of objection included cost, proximity to housing, anti-social behaviour and so on. In all of the public meetings there were representatives from the local Gypsy and Traveller community; it was perceived by officers that this helped to an extent. However, large public meetings like this do not help the consultative process on any meaningful level.

Responses from the public in Local authority Four represented the cycle mooted by Dear (1976 and 1992). The development of objection went from hostile comments in the press to arguments based on the lack of amenities, lack of land, increased traffic, pressure on local services, to name a few. A summary of these objections can be found at Appendix Two.

In Local authority Six there was a different route to the consultation on the redevelopment of the site. This particular site is not covered by the council's development control, but by a local regeneration and development agency (which has a development control role in some areas of the centre of the city and in three growth areas). The Planning Act requirements for consultation were followed – notices were put on display nearby the site, and in the newspaper. The records of the application show that only fourteen residents responded to the public notices. The primary reason given was that people did not want a site there; when told that a site was already there, they said that they did not want any money spent on it. People were also reported to be 'livid about' the amount of space for the Gypsies and Travellers on the site, and the provision of a paddock for horses. The council pointed out that they were going for a special government grant and that the site development costs would not be coming out of local money. The planning process also involved consulting a range of agencies including the Environment Agency, Police, Drainage Board, Regional Assembly, Regional Government Office and three parish councils – none of whom objected to the proposals. This consultation process, which met the legal requirements in the Planning Act, took place within the context of a much wider consultation on site provision in the locality. It is good practice to consult as widely and thoroughly as possible, so as not to be seen to be 'hiding' proposals from the public.

The different approaches, in these two local authority areas, are summarised opposite.

Local authority Six also has three more sites already included in its Local Plan. The Local Plan was subject to its own regulations on consultation. The Gypsy/Traveller sites were only one part of the Plan, but they did elicit a number of objections, largely from residents living nearby the proposed sites.

The Citizens' Advisory Group met first in December 1998 and had 19 full meetings, with some further sub-meetings. A range of stakeholders were involved including Gypsies and Travellers as well as members of the settled community. The report was published in March 1999 and it stated that, *'This rigorous process represents over 1,200 hours of consultation and deliberation'* (Local authority Six Citizens' Advisory Group on Travellers, 1999, 10). This intensive consultation process certainly seemed to minimise the complaints made in relation to one of the chosen sites for redevelopment, and to the inclusion of the three further sites in the Local Plan.

The Local Plan will be replaced by the Local Development Framework and Local authority Six council has published its *Statement of Community Involvement* (SCI) and it says it will involve 'hard to reach' groups, including Gypsies and Travellers. It states

Figure 4.3: Two different approaches to developing site provision

Example One: (Local authority Four)
Has no local authority or private provision. Previous unauthorised encampments suggest a need for sites. There is hostile opposition to Gypsies and Travellers from the public and a lack of support for sites from councillors. Two sites were proposed but councillors voted against this. No sites are in the consultation or planning process at present.

How did it come to this point?

- Council lacks knowledge of Gypsy/Traveller issues and culture.
- ↓
- No formal consultation mechanism for site planning and no local Gypsy/Traveller representative group.
- ↓
- Sub-regional GTAA not yet completed. Assessment of potential sites undertaken by consultants in 2004. Two sites short-listed from 28.
- ↓
- Withdrawal of agreement to lease land for one site, from the landowner.
- ↓
- Public consultation on the two sites culminated in a meeting attended by 1,300 local residents. Prior to the meeting the council sent out 2,846 letters – 819 feedback forms, 292 letters and 367 emails were received in response.
- ↓
- ↓
- Councillors backed down at public meeting and voted against proposals for both sites. Full council meeting subsequently endorsed this decision.
- ↓
- Political leadership of the council changed in local elections last year. BNP active in the area.

Key flashpoint

Key moments

Example Two: (Local authority Six)
Has two local authority sites and a 'toleration' approach to small unauthorised encampments in appropriate areas. One of the local authority sites has planning permission for redevelopment and it is hoped that this will be a 'model' design which will be replicated. Three more sites are identified in the Local Plan.

How did it come to this point?

- Expertise and knowledge of issues held in Gypsy and Traveller unit.
- ↓
- Gypsy and Traveller Action Forum represent views of the travelling community.
- ↓
- Consultation exercise in late 1990s involving all community stakeholders. Report published identifying Gypsy Traveller issues.
- ↓
- Four new sites included in the consultation process for the Local Plan. One withdrawn, but three remained in the Plan adopted in 2002.
- ↓
- Clear commitment to site provision from leader of the councillor, as well as other members, officers and partner agencies.
- ↓
- ↓
- Two GTAAs completed in 2006, one quantitative regional study and one local qualitative study.
- ↓
- Site with planning permission for redevelopment, in a special growth area and therefore subject to the regional planning agency, rather than council, planning control – less politicised.
- ↓
- Statement of Community Involvement clearly details how Gypsies, Travellers and Showpeople will be consulted during the planning process.
- ↓
- The current consultation process on Gypsy/Traveller sites started over eight years ago. This resulted in sites being included in the Local Plan – more likely that these will get full planning permission; plus the public already knows about the proposals and this may reduce number of objections.

that three main groups will be involved (1) those on settled sites, (2) those passing through, and (3) those in housing. The Gypsy Traveller Action Forum (GTAF) is a key portal for consultation, in addition to the Travellers Education Service. The SCI recognises that for one of its settled sites, one-to-one meetings are the preferred mechanism. Showpeople are also included in the SCI and will be consulted through the Showmen's Guild. Consultation is needed with all parts of the community, different groups of Gypsies, Travellers and Showpeople, and with the 'settled' community. Having a flexible approach means that the best method of communication with different community members can be utilised.

There are a number of local authorities who have seen the damage that can be done in large, hostile and disorganised public meetings and who have tried alternatives. For instance, in one rural local authority in the East, a bus toured round the area to talk to people about site selection and to show plans and talk about concerns. Unfortunately, there have been criticisms around the lack of publicity about the touring consultation, as residents felt the council did not want too many people to be aware of the process. Since then consultants have been employed to assist in the consultation on new sites by providing a series of 'think tank' panel seminars.

Figure 4.4 opposite looks at two different approaches to consulting the community on the provision of a transit site in the area which had different outcomes.

The type of organised public group action seen in Example 1, in Figure 4.4, has been seen in other areas and is designed to intimidate those making the decisions on site location into backing down. Even where the council in the first example had stated its intention to hold a surgery to listen to small group representations, there was local defiance, with a large organised group of protestors all walking together to the town hall. This demonstrates the need for a consistent and sustained approach to dealing with legitimate concerns by having management processes and infrastructure in process, dispelling myths about Gypsies and Travellers, consulting widely and appropriately with all community members, and having very clear and defensible criteria for selecting sites, which negates some of the arguments. Wide consultation exercises that are not well-planned or are commenced before devising some answers to frequently asked questions, have resulted in public objection and votes against sites. However, this should not prevent wide consultation being successful once information and supporting evidence has been gathered.

Theme Four: Strong leadership – from councillors and senior executive

The evidence across the country suggests that there will often be objection to new Gypsy and Traveller sites. Strong leadership, from elected members, senior officers in the council and partner agencies, is key to addressing this and for taking community cohesion forward. The Local Government Association has published a guide (2006), *Leading cohesive communities: a guide for local authority leaders and chief executives*,

Figure 4.4: Two different approaches to consultation on transit site provision

Example 1: ***a recent consultation exercise in a borough council in the South East of the country which demonstrated that even a move away from a large public meeting would not actually stop conflict.***	**Example 2:** ***a recent consultation exercise in a city council in the South of the country which utilised a range of methods to pre-empt and answer some of the objections to the proposal. This approach was recommended by the CLG Gypsy and Traveller advisor for the region.***
The CLG Gypsy/Traveller Count data for July 2006 shows both of these councils with 0 or 1 caravans on unauthorised encampments, however both councils had experienced unauthorised encampments in previous years.	
The council employed consultants for the communication of site proposals, and their report suggests that both the proposals for a new site, and the consultation process itself, were largely unpopular. The consultants used a range of approaches. The consultation process examined three potential locations for a transit site. The first phase was awareness-raising, through an article in the council newsletter, along with a fact sheet, councillor briefing and a media announcement. Phase two consisted of face-to-face consultation with distribution of 300 leaflets and ten workshops. Two of these workshops were with councillors, two with Travellers and their representatives, and six with a 'sample' group of 194 local people. One of these workshops was held in a pub. The option of an 'open day' was held in reserve, but demand showed that this was necessary and 250 people met in the town hall; 1,899 written responses were also received by the consultants. The council appeared to have tried to move away from the large public meeting by arranging a drop-in session for local people. They had set up a 'ticket' system and said that only 32 people would be allowed into the town hall at any one time, in order to keep group discussions at a manageable level. In a letter to the local paper on 6th February 2007, the Marketing and Communications Manager of the council explained that several hundred people had walked en-masse from a square in the town. In the end, the manager in charge of the consultation had to give a speech to the crowd and handed out hundreds of feedback forms; the crowd then dispersed. The recommendations to a council cabinet meeting in March 2007 discounted the short-listed sites in the short-term but they will be re-examined in the long-term. One site in a neighbouring district council's jurisdiction was proposed as the most suitable location, it is likely the neighbouring council will refuse this application and it will need to go to appeal. There is no application in the current bidding round to CLG for funds to develop a new site.	The Inclusion Team at the council devised and managed the pre-planning consultation process. Councillors were keen to consult on one proposed site only once the site selection process had been undertaken and following a cross-party scrutiny enquiry on unauthorised encampments. They were however forced to reveal the 40 or so other short-listed sites following an enquiry made under the Freedom of Information Act. The consultation process on one proposed transit site was flexible and responsive. Following a comment that the process felt rushed, the period of consultation prior to the public meetings was extended by three weeks. Requests were made for meetings to be held on Saturdays and for different buildings in the city to be used. The council obliged. Extensive 'frequently asked questions' leaflets were prepared with detailed and evidenced answers and were distributed widely. The council responded to 998 letters, many of them addressing individual issues. Where questions were raised that the council did not have an immediate response to, local Gypsies and Travellers were consulted on the best way to deal with some of the issues raised, such as design of the site. The culmination of the process was a series of three events on a Saturday in February 2007 in three different venues across the city. There were two drop-in sessions and one public meeting. Around 500 people attended the three events and there was an opportunity for everyone to have a one-to-one session with local authority, police, community safety representatives, to discuss particular issues. The council has recently applied for planning permission for a transit site in the proposed location and has been successful with an application for funding from CLG in the 2007/8 bidding round.

which includes some example case studies of 'leadership in action'. There may well be valid objections from the settled community and from Gypsies and Travellers, to inappropriate proposals for new site locations. Once detailed consideration has been given to sustainable criteria for site selection, in consultation with the community, these inappropriate proposals will fall away. Many of the remaining objections against sustainable and appropriate new sites, from the public, may relate to NIMBY attitudes (not in my back yard). Similar challenges are seen with elected members who may make decisions based on NIMTO (not in my term of office). Both NIMBY and NIMTO objections need to be challenged clearly, and it demonstrates strong leadership by political 'champions' on Gypsy and Traveller issues to convince fellow members not to make local decisions solely on the basis of winning a seat at the next election. The section below considers how political will was evident in the case study areas.

Political will

The mayor is a driving force in Local authority One; he has been at the forefront of discussing Gypsy and Traveller issues. As a report on regional Gypsy and Traveller Accommodation Needs, by a university team noted:

> *The importance of this factor [political will] is evidenced by the situation in* [Local authority One]*. Stakeholders there were of the opinion that a cross-party consensus on Gypsy and Traveller accommodation issues was key in facilitating new provision, and this is supported by the fact that the district is far and away the most accommodating and forward looking local authority on accommodation issues within the region.* (Powell, 2006: 35)

The Gypsy and Traveller Strategy was launched by the mayor at an event with a range of speakers and guests. It was recorded onto CD and provides a good method of disseminating the strategy's concepts and demonstrating political will. A letter from the councillor with portfolio for Human Rights and Equalities stated:

> *What drives us to pursue the issues of Gypsy & Travellers, you ask, even if it may affect the ballot box? Obviously, no political party would want controversy that may adversely affect election prospects. Moreover, a discriminatory Council should expect a difficult and harrowing time. However, a responsive caring Council, committed to Equality for all, would expect to carefully use timing and good sound reasoning, to back up any actions taken or proposed.* (Letter from councillor, 01/02/07)

In Local authority Three, there is cross-party consensus to look for appropriate locations for two or three new transit sites:

> *Maintaining support when specific sites are discussed is difficult – especially in the face of local opposition. This can be aggressive and intolerant. So far, however, the cross-party support remains intact.* (Local authority Three IDeA report, 2006: 2)

The support and commitment for Gypsies and Travellers from Local authority Three councillors has been vital in taking forward the issues. One of the councillors is a

well-known figure on the national and regional agenda for Gypsies and Travellers and was a member of the LGA group which met over eighteen months, and reported on the issue in 2006. The other councillor questioned was also supportive of the needs of Gypsies and Travellers, but she faced even more conflict and challenge from the local settled population, as the site in her ward was the more problematic council site and the one that Gypsies and Travellers least preferred to live on. In Local authority Five there is a genuine cross-party political will, and the district portfolio holder for communities suggested that the majority of councillors supported the council's stance on the issue. This support is also evident at county level. The chair of the county council said about public consultation for new sites:

> *I do think this is a difficult one for elected Members since any new site proposed is likely to meet with stiff opposition locally. Councillors do need to remember that they represent Travellers as well as the settled community though.*
>
> *How to persuade other Members of the need for sites:*
> - *Sites are the key to unlocking a lot of other issues such as education, health outcomes and employment*
> - *Small private sites leased/managed/owned by Travellers are usually well maintained and do settle, given time, into the community. Large council run sites have to become a thing of the past*
> - *Everyone has the right to have somewhere to call home.*
>
> (Letter from Chair of County Council, 16/01/07)

In Local authority Six, the Liberal Democrat councillor and member of the Traveller Review Group, said:

> *One of the main problems of raising the needs of gypsies and travellers is the negative (and often hostile and racist) reaction by the public and some fellow councillors. Certainly if you are to engage the elected members in this issue, you have to work on the disparity between the travelling communities and the settled communities and link in the Race Relations (Amendment) Act and ask the question 'If this was any other ethnic minority group…what would the public reaction be?' If people were being honest then the answer would be 'There would be an outcry'.* (Email from Liberal Democrat councillor, 12/01/07)

The motive for this particular councillor is one based on a moral case to do right by the Gypsy and Traveller community. It differs from some of the reasons that other councillors pursue in tackling the site question. Many need to see a business case which they can then present to their constituents – saving 'taxpayer's money'; and others prefer to make the legal case that it is a duty imposed by central Government.

Another councillor in Local authority Six, a member of the Traveller Review Group, was more persuaded by this legislative case for provision:

> ***Tories and Travellers.*** *Sir – Current Government diktats require local authorities, including* [Local authority Six]*, to build more traveller sites...* [Local authority Six] *Conservatives, mandated by the electorate of* [Local authority Six]*, pledge to deal*

> *robustly with travellers as a local issue. We will work hard to the very best of our abilities executing policies that accurately and honestly reflect the wishes of the people of* [Local authority Six]. (Local news, 31/05/06: 4)

A different Conservative councillor in Local authority Six, who has one of the sites outlined in the local plan in her ward, did support the provision of the three new sites, but with caveats. It was clear that this provision should be for the families who already think of Local authority Six as their home:

> *I strongly believe these families should be given support to live their lifestyle alongside the rest of the community, however, with that goes the responsibility to play their part in community cohesion. They should have the responsibility for the environment in which they live and should live within the laws of the land.* (Email from councillor, 07/02/07)

There seemed to be less political will, and understanding of the cultural issues, from the local politicians in Local authority Four. One councillor felt that *'they'* should conform to *'living in a house and paying tax'*. Generally it was felt that there was a strong anti-Gypsy sentiment and very negative and hyped local media portrayal. Councillors said that five years ago there was not so much hostility, but that there are now great tensions between the settled and travelling communities, largely related to the perceptions of one family's links with crime.

Where there is support from councillors, and in some cases quite reluctant support, there are links back to the rationale behind the decision on either moral grounds (injustice for Travellers which needs to be resolved), a legal basis (government imposed duty) or following a business case (it will cost less money on unauthorised encampments because where there is provision, there is more scope to 'clamp down' on unauthorised sites). Any or all of these three cases can be made by individual councillors to 'sell' the new sites to the wider community.

Support for councillors by local authority officers is very important in developing an approach to the issues. Where councillors are left to fight mass public objections, as in Local authority Four, then sites do not get approved. Local authority Five supports councillors to make decisions, and to demonstrate support for Gypsies and Travellers through its programme of diversity training, and through the consistent support of the chief executive and from officers and councillors at county level. The necessity of support, training and early involvement of councillors in planning decisions was found in a CLG (2007) report, *Councillor Involvement in Planning Decisions*:

> *It was found that although around 45% of elected Members are actively involved in development control decision-making in an average authority, few Members of the Planning Committee are involved in forward planning to any meaningful extent. This has a potentially negative impact on the extent to which Members feel they have 'ownership' of the policies which they are expected to implement through the granting or refusal of planning permission.* (CLG, 2007, page 10)

In the South East region a 'toolkit' is being produced for councillors to help them make decisions on 'higher density' developments (SEERA, 2004). 'Tools' include a community involvement checklist and a matrix of techniques of community involvement. A similar toolkit, perhaps developed on a regional basis, would be very helpful for councillors making planning decisions on new Gypsy and Traveller sites. Information could be provided on the moral, legal and business case for new provision. This is a proposal that could be examined by regional planning bodies in the first instance, with support from CLG and the New Homes Agency.

'Courage under fire'

It is important to link the ability of councillors to stand up for an issue, with a solid, criterion-led policy for selecting new Gypsy and Traveller sites. It is impossible to stand for something which is not well-reasoned. Fisher and Ury (1999) suggest that:

> *Pressure can take many forms: a bribe, a threat, a manipulative appeal to trust, or a simple refusal to budge. In all these cases, the principled response is the same: invite them to state their reasoning, suggest objective criteria you think apply, and refuse to budge except on this basis. Never yield to pressure, only to principle… A refusal to yield except in response to sound reasons is an easier position to defend – publicly and privately – than is a refusal to yield combined with a refusal to advance sound reasons.* (Fisher and Ury, 1999: 94-95)

The Gypsy/Traveller site issue is extremely politicised in Local authority Four. In May 2006 the leadership of the council changed from Labour to Conservative and the councillors believe that this is a result of community opposition to the proposed Traveller sites. There is no political consensus amongst councillors and if the portfolio holder suggests areas for a site, then that ward member will strongly oppose the plan, assuming that this will be the end of their political career. The British National Party is using the issue to try and gain votes and there is a general unease that such a small Traveller community has such a large impact locally. The portfolio holder has suggested that it might be better to find a site outside the borough because of the difficulty in getting ward members to back plans for potential sites in their ward. Councillors spoke of the impossibility of retaining their seat in the local elections, if they backed plans for new Travellers' sites. Facing a large group of people in a public meeting, which is vociferously hostile to the proposals, is a difficult situation and it is not possible to rely on the will of an elected member who believes they are committing 'political suicide' if they back the plans. Such public meetings have been found, in several examples, to exacerbate conflict, rather than to create genuine consultation where members can properly outline the reasons for the proposal. There are examples of alternatives, such as a consultation 'bus' touring the area (although problematic in one location, if well-planned with communities notified in advance, could work particularly well in rural areas), engagement with Gypsy/Traveller representative groups, thorough communications exercises and smaller meetings led by an independent mediator may all be positive ways forward, and prove less antagonistic.

Conclusion

This chapter has highlighted four issues that were critical for site development to be addressed positively at a local level:

- developing a positive context for exploring the debate, including from the local media;
- effective management of existing authorised and unauthorised sites;
- effective consideration of new sites with clear, well-managed communication of proposals, and
- strong political leadership to set the context for action.

The chapter has highlighted some good practice examples and also discussed examples of where things did not go according to plan, and why. These have been discussed within the context of the need for conflict resolution drawing on the issues raised in the previous chapter. Interwoven with these themes are 'cases' which were cited, particularly by councillors, as the rationale behind making proactive decisions to provide new sites. Local authority staff and other agencies should engage councillors, and the wider public, on whichever case(s) is most convincing to them.

Conclusions are developed from these findings in the final chapter, and policy implications are also addressed.

Chapter Five
Conclusions and policy implications

Introduction

This final chapter draws together some conclusions from the findings from this research and also suggests some practical considerations and policy implications.

The conclusion drawn from these themed findings is that there are four core foundation stones that need to be in place before site provision can be successful. These foundation stones are:

- Setting a positive context for debate – addressing negative public and local media perceptions of Gypsies and Travellers which could undermine decision-making on future site provision.
- Effectively managing sites, unauthorised encampments and developments – where existing sites are well-managed, and seen to be well-managed, this can lead to a more positive local understanding of Gypsies and Travellers and helps the community trust the council when it proposes new sites. Where unauthorised encampments and developments are managed appropriately, this too helps to build trust with all members of the community.
- Effective consideration of new sites – good communication policies based on clear and simple criteria for new site selection are important.
- Strong leadership – both from senior level officers, but even more importantly from councillors – particularly leaders of councils, and portfolio holders for housing or equality issues was a critical issue in those areas which had addressed the issue most effectively.

Foundation Stone One: Setting a positive context for debate

This foundation stone was the first theme discussed in the findings in the previous chapter. Two key issues arose from the perception of Gypsies and Travellers. First, was the necessity of dealing with legitimate public concerns, for example, by having service provision and infrastructure in place to deal with potential mess from sites and unauthorised encampments. Second, was the need to challenge the media and public portrayal of Gypsies and Travellers, where this was discriminatory and marginalising, and to try and dispel some of the unfounded 'myths' that might be enforcing the negative stereotype of Gypsies and Travellers as 'other'.

In one of the case studies examined, there was a good example of diversity training for officers and elected members. Such training, in any local authority area, could help

to dispel myths, support councillors and open lines of communication. However, it must be recognised that having a training programme run in isolation will not be as effective as embedding the training in a culture of lead officers and councillors taking firm principled positions on recognising diversity and challenging racist practice.

For media training there needs to be more action on the ground locally, as seen in Local authority Five, where editors of local papers are invited to come and speak to Gypsies and Travellers and to see sites for themselves. If this results in a positive media representation then this can start to erode the conflict and opposition caused by 'myths' about the Gypsy and Traveller culture and lifestyle. In tandem with this, the Commission for Racial Equality should be empowered and entitled to take up specific instances of wrongful and stereotyped reporting, and the Press Complaints Commission should be able not only to challenge racist and discriminatory reporting, but also to take up cases on behalf of groups. Funding should also be given to assist groups such as the Gypsy and Traveller Media Action Group, in providing a pivotal role in monitoring and challenging the media representation of Gypsies and Travellers.

Foundation Stone Two: Effective management of authorised sites and unauthorised encampments and developments

The second main foundation stone for development of new Gypsy and Traveller sites is to ensure that existing sites are well-managed. Appropriate management of sites and encampments benefits the Gypsies and Travellers on the site, as well as neighbouring residents, and it can lead to better community cohesion and less opposition to future site proposals. A firm but fair approach can work well on authorised sites, to maintain resident satisfaction and to deal with any acts of anti-social behaviour before discord breaks down community cohesion on site. Equally, this management approach is appropriate for unauthorised encampments and there have been a range of examples to show that 'toleration' of encampments, for a suitable period, in an appropriate location, might be better for the community as a whole, than a blanket policy of moving people on regardless of the individual circumstances. This foundation stone of good management also supports the 'business case', which can convince some councillors and members of the public to support new site provision.

There are also links back to the first foundation stone of perceptions surrounding Gypsies and Travellers, particularly related to 'cost'. Well-managed sites can be self-financing so that the media argument of 'Gypsies costing the taxpayer money' can be dispelled quickly. However, it would not be appropriate to promote the only acceptable Gypsy and Traveller site as one which is cost-free. There may well be a need for a service funded by Supporting People, on a particular site – just as there are Supporting People funded services for residents in houses. Nevertheless, it is necessary to minimise any negative 'cost' implications of new site development and management when proposing development schemes to the public. There will be instances of start-up costs, and indeed ongoing maintenance and support costs where

necessary, but these can and should be justified in the face of opposition. If councillors and officers can point towards a well-managed site as an example of how a new site will also be run, this can help to allay people's concerns. A range of management approaches have been discussed in the findings in the previous chapter and lessons can be drawn from and adapted for future use by local authorities who feel they are in a similar position. Lessons can be learnt from the challenges faced as well as the success stories. The Department for Communities and Local Government (CLG) has produced good practice guidance on Gypsy site management and this will be of some assistance to local authorities. It is also recommended that authorities put the necessary resources into the staffing of an appropriate Gypsy and Traveller service and that relevant training and education is provided in both management theory and techniques and in Gypsy and Traveller cultural issues.

Foundation Stone Three: Effective consideration of new sites and positive communications policies

In many areas, local authorities are leaping straight onto this stage of new site provision, without having the first two foundation stones in place. Whilst there is a pressing need to identify sites and one should not delay on this, this does not negate the need for ensuring the first two foundation stones are put into place to provide a solid base for the strategy on Gypsy and Traveller sites. In local authority areas where there is vocal and hostile opposition in place at consultation events, it is largely attributable to the fact that:

1. the local perception of Gypsies and Travellers has not been examined and the local authority has not been promoting good race relations and tackling adverse media representation; and
2. there are either no sites (either local authority, or private sites with rented pitches), or the ones that are in existence have issues either over their physical state, or over anti-social behaviour.

In Chapter Three, Dear's (1976 and 1992) outline of the three phases in the life cycle of locational conflict was described. Whilst open debate is to be encouraged, it is better to start to deal with challenges in the 'youth' stage, rather than wait for objection to be embedded in local discourse, and for the conflict to be long and drawn out. Consultation with the local community (both the settled and travelling local community) is essential and there are a range of communication methods, including:

- 'Planning for real' types of event.
- Independent mediators to facilitate public meetings.
- Running a series of smaller public meetings aimed at different focus groups.
- Developing methods for consulting Gypsies and Travellers.
- Early public relations exercises in the local media.
- Engaging in ongoing dialogue with the local community – which is not just issue related.

What is clear is that large public meetings, facilitated by councillors and members of the council's executive team, often do not work, and are much less likely to be attended by Gypsies and Travellers.

There are no quick fixes to this, and in areas where there is good practice, these two foundation stones have taken a long time to implement and required efforts to build trust between all stakeholders. However, there are some examples of consultation processes which can be used as a template to adapt for local use, for instance in Figure 4.4 in the previous chapter. There is also a broad approach that can be taken for the process of proposing new Gypsy and Traveller sites, set out in Figure 5.1 later in the chapter.

Foundation Stone Four: Strong leadership

Local authorities and elected members need support in making decisions, and standing by them, with regard to selecting sites for inclusion in development plan documents. Whilst it is members that need to help drive the process of Gypsy and Traveller accommodation needs analysis and new site proposals, officers of the council also need to provide support in terms of training and evidence to support the proposals to the public. Where this support for councillors is not in place then there may be further instances of individual members backing down from proposals in the face of hostile public objection. Councillors also need to bear in mind that their duty is to represent the views of all of their constituents; they should not exclude marginalised groups such as Gypsies and Travellers. Leaders should aim to achieve a cross-party working group of councillors to work on proposals for future sites, this may help to de-politicise the issue to an extent. Advice is already available for leaders of councillors from the Local Government Association (2006) on leading cohesive communities. There may be a need for further guidance, or a 'tool-kit' to support local politicians in making decisions on Gypsy and Traveller site provision – this is discussed further in this chapter.

As highlighted in Chapter Three, not all conflict is undesirable. Indeed if conflict is entirely quashed then this can just enforce the status quo and any imbalance of power is not properly addressed. Positive conflict is where no harm is done and clear communication policies and procedures are very important. Local authorities should undertake an 'audit' of the different groups and individuals involved, by mapping the alliances and the tensions locally. An example of conflict mapping and force-field analysis was included in Chapter Three. Alliances need to be strengthened further and reasons behind tension and breaks in communication between groups must be examined.

Non-decision making is not an appropriate response to the current legislative, financial and moral context for Gypsies and Travellers which local authorities are facing. Instances of this have not been well received – resulting, for example, in a direction

from CLG for councils to address the issues, and a judgement of maladministration elsewhere. In any situation where change is proposed there will be resistance and, as has been demonstrated with examples in this report, the issue of providing Gypsy and Traveller sites often results in a great deal of resistance. As with any change project there needs to be one person or group driving it through, and there should be support from council leaders. Ideally, a cross-party working group of elected members can assist in smoother progress of the proposals. A conflict mapping or force-field analysis approach could be undertaken as an audit to see where initial 'quick wins' could be made in a given area and to identify key resistors and priorities for action. However, it must be noted that building and sustaining the four foundation stones, discussed previously, is not a quick process.

Guidance for decision-makers

CLG has already issued guidance on local authorities' responsibilities, and it is consulting on draft guidance on site management and on site design. What this research suggests is that there is a need for a 'toolkit' that local politicians, and other key decision makers, can refer to in order to inform their 'case' for providing new sites. A good example of this is the South East of England Regional Assembly's (2004) toolkit for councillors to use as reference during enquiries on, and objections to, high density developments in the region. In the same way that councillors can be swayed by different 'cases' for site provision, so too can the local community. A toolkit could provide factual evidence to support each of the legislative, business and moral cases. Some councillors will not be convinced of any of the three cases for site provision, because of their own political and personal views. However, it is incumbent on each local authority to assess the accommodation needs of Gypsies and Travellers and to include potential sites in development plan documents where necessary; so there is a need to support local elected decision makers in this process, and the three cases identified here have been demonstrated to work in some of the case study findings analysed in this research. Alongside this, guidance on mapping local conflict and practical solutions on strengthening alliances, and remedying communication breakdowns could be provided. One of the key areas of guidance that needs to be included in any toolkit is how to deal with the media. Examples from the case studies have been included in this report; but a step-by-step guide to handling issue-led stories, promoting the positive, and challenging racist reporting, could be useful.

Education and support for officers

Linked to Foundation Stone Two – effective management of sites – is a need to consider the training and education of local authority staff working with Gypsies and Travellers, particularly site managers and Gypsy/Traveller liaison officers. If well-managed sites are the key to better community cohesion between Gypsies, Travellers and the 'settled' community, and if effectively-run sites help to persuade local

communities that future sites do not need to be the cause of tension and conflict, then officers should be trained in management theory and techniques, Gypsy and Traveller culture, media relations, decision-making, planning systems and project management. Universities, professional and government bodies could scope a menu of options, in liaison with Gypsies and Travellers and practitioners, in order to ensure that existing and future local site managers and liaison officers are well-equipped to manage sites, promote community cohesion and to assist in the delivery of new sites. The CLG (2007) consultation guidance on site management also includes reference to the need for site management training. Support and direction from CLG, the Housing Corporation and the professional body, the Chartered Institute of Housing, would help to ensure a good quality, relevant programme.

The process for developing Gypsy and Traveller Sites

Following examination of the findings, discussions with a range of professionals working with Gypsies and Travellers, and consultation with the CLG Gypsy and Traveller Unit and a regional advisor, a potential process for successful site development is suggested in Figure 5.1. This will need to be adapted to suit different local contexts as appropriate, but is set out to help inform local practice. This process is largely focused on local authority site provision and includes pre-planning consultation processes. Where future accommodation will be provided through the development of small, private, family-run sites, the consultation process will begin when the related planning application is submitted (and in some instances this may be a retrospective application), in which case the following steps would need to be adapted to suit. The figure sets out some of the key steps required to achieve site development, though it does not claim to cover every aspect of the debate.

The proposed steps are quite lengthy and in some areas there may already be good information collected on local community needs and appropriate land that might be available for development. Where there is already a close relationship with the media and with local Gypsies and Travellers, again, this may shorten the number of steps needed.

Figure 5.1: Steps to successful site development

1. Analyse whether there is a need for accommodation based on evidence from the GTAA, plus other local authority records. When GTAAs are published, ensure media treatment of the issue is fair (take action to report cases of discrimination) and provide the local media with positive Gypsy and Traveller stories and reports.
2. Devise a strategy for meeting any identified need. For example, should accommodation need be met through a permanent site, transit site, or both? What is the preference of Gypsy and Traveller respondents in the GTAA; e.g. is there a need for a local authority site, but also private planning permission for smaller sites?
3. Involve members of the council and senior officers and speak to local Gypsy and Traveller representatives.
4. Formally adopt a policy of provision and undertake a site search for local authority or housing association sites.

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5. Provide information and advice to applicants for planning permission for private sites, so that appropriate land can be bought.
6. Devise appropriate site selection criteria against which proposed sites can be judged. Criteria should be simple and appropriate.
7. Identify appropriate locations for sites, based on historical stopping places, Gypsy/Traveller stated preference, proximity to schools and other amenities.
8. Undertake a desk-top examination of the suitability of the land, for example, through undertaking an environmental impact assessment, land surveys, etc.
9. A long-list of sites will emerge which can be further examined against an appropriate range of site selection criteria. Develop a short-list of sites following this process.
10. Consult Gypsies and Travellers again on the short-list of areas for site development and on the design and layout of the site.
11. Undertake further, more detailed surveys; such as an evaluation of the cost of developing the site, access, transit routes, feasibility and sustainability studies. This information goes towards providing a 'case' for developing the particular sites short-listed.
12. Keep members of the council advised on progress.
13. Compile a range of 'frequently asked questions and answers', based on the evidence collected so far; this will help to provide information for the public and should alleviate concerns and fears.
14. Keep in close contact with the local media at this stage as there will be increasing interest as more people start to become aware of the survey and evidence gathering process. Continue to provide the local media with positive news stories on Gypsies and Travellers.
15. Following the detailed surveys and feasibility studies, a shorter short-list should emerge. The surveys and studies may have identified problems with some sites which will mean they are not appropriate for development. It is possible that following this process there are no sites on public land that are found to be appropriate, and that private land needs to be examined for suitability.
16. Identify and consult with the owners of suitable land in order to ensure that land allocated in local development plans is capable of being realised.
17. Site information, plans and the frequently asked questions and answers will need to be compiled into leaflets/information packs, and 'road-tested' and consulted on with councillors and senior staff. This is especially important with councillors who represent wards where the proposed site(s) are situated. There are a range of examples of good packs of information available, and it is important to seek advice and good practice from other local authorities who have already been through the process.
18. Arrange appropriate venues for drop-in sessions with the public and check availability of staff and councillors.
19. Start a leaflet drop to local residents which advertises the drop-in sessions and provides the frequently asked questions and answers, along with information on the site proposals. Provide key contact details and telephone numbers. (Information provided at this point will reduce the numbers of people who feel the need to attend a public meeting and it will alleviate some concerns).
20. Log all of the feedback and objections and where possible reply to each one providing answers (although there may be resource implications if the response from the public is larger than expected).
21. The timescale for the feedback process following the leaflet distribution and the drop-in sessions will need to be a couple of months, to allow for information to be provided to respondents and to allow heated objections and debate to dissipate.
22. Local authorities should counter and address any negative stories in the press. By having a key contact in the local media, and by keeping them abreast of progress and site development information earlier in the process, there should be reduced capacity for negative debate in the local papers.
23. The culmination of the above steps will be a report to the planning committee outlining the development plans for the chosen site(s).
24. Planning approval and application for funding to CLG if the proposed site is for social rent.
25. Site build.

Conclusion

The need for more Gypsy and Traveller sites is supported by a raft of evidence. Studies such as those by Niner (2003), IPPR (2004) and CRE (2006) provide information on a national basis and subsequent data is coming through from Gypsy Traveller Accommodation Needs Assessments at a sub-regional and district level. There is legislation (including the Housing Act 2004 and the Planning and Compulsory Purchase Act 2004) which places a duty on local authorities to assess need and identify potential sites in development plan documents. There is also evidence to suggest that the cost of non-provision (both financially and morally) provides a case for persuading local politicians and members of the settled community that there is no option but to consider carefully planned new sites.

However, there are numerous examples of objections to new sites, and, in some cases, plans for new sites are being derailed as a result of poor consultation processes and bad handling of the media portrayal of Gypsies and Travellers. Evidence from the six case studies examined here suggests that the ideal scenario for future site provision is based upon four key foundation stones. One of the case studies demonstrated that where there has been work on media and public perceptions, good site management, clear communication of site selection policies, and strong leadership, then there is a good basis on which to move forward with new site provision. Another case study example showed that forward planning, a clear and thorough communications strategy and inclusion of sites in the Local Plan negated a lot of the conflict and objection to the redevelopment of a site.

Where a local authority has not engaged with any of the four foundation stones, there is a higher likelihood of conflict over the provision of Gypsy and Traveller sites, as was demonstrated in another of the case studies examined in this study. Particularly where there are no existing sites, it is difficult then to point towards good management practice to assure the local community that future sites would be equally well-looked after. Long term improvements to community cohesion in such an area will take some time. However, it is possible for some quick-wins through conflict mapping and strengthening key alliances, engaging with the media and training councillors to debate the issue responsibly. Once sites have been established and managed well, it is more likely that Gypsies and Travellers will be widely recognised as part of the community and the fears of the settled community will be alleviated. Evidence from Duncan's (1996) study suggests that residents who objected to proposed sites find the reality is not as bad as they had first thought.

Local authorities must assess need, and where need is demonstrated, identify sites for development. However, this legislative duty is only one case on which to convince councillors and members of the settled community. This report has suggested two further cases – business and moral – on which the need for

provision can be demonstrated. There are a number of policy implications from these findings and recommendations have been made, above, on ways in which decision-makers can move forward on the issue of site provision, and on ways in which they can be supported further through training and guidance.

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Appendix One
Summary of key legislation and guidance

Legislation/government guidance/policy	Requirement
Housing Act (2004)	Section 225 of the Act requires local authorities to (1) assess accommodation needs of Gypsies and Travellers, and (2) prepare appropriate strategies to meet those needs.
Planning and Compulsory Purchase Act (2004)	This alters the land use development planning framework, introducing requirements for a Regional Spatial Strategy at regional level, and Local Development Frameworks at a local level. Local Housing Strategies are expected to identify accommodation needs and the Development Plan documents will identify the location of appropriate sites. Local authorities have been directed to include Gypsies and Travellers in this documentation, where they have failed to incorporate their needs (for example, July 2005 First Secretary of State direction to Brentwood). The Act also requires consultation with *'…persons who appear to the authority to have an interest in matters relating to development in their area'*. Gypsies and Travellers will clearly have an interest in the planning process in relation to provision of new sites, and local authorities must prepare a Statement of Community Involvement which includes them.
Circular 1/2006, *Planning for Gypsy and Traveller Caravan Sites*	This replaces Circular 1/94. It provides guidance on the need to undertake a Gypsy Traveller Accommodation Needs Assessment whereby local authorities are required to assess need and identify pitch requirements for their area. The outcome of the local GTAA is fed up to the regional planning body and into the Regional Spatial Strategy, which then allocates pitch numbers to be matched with a process of identifying specific sites in the local Development Plan documents. The Circular states that authorities must allocate a suitable amount of pitches to meet need and that sites must be suitable and that land identified in the Development Plan will realistically be released for site development, along with timescales for provision.
Race Relations Act (1976) and Race Relations (Amendment) Act (2000)	Three key duties are set out in Schedule 1A of the RR(A)A (2000), one of which is the duty to promote good race relations between persons of different racial groups. Local and national media reports, and public meetings on planning consultation issues for new proposed sites, bear witness to the poor race relations in many areas. Romany Gypsies and Irish Travellers are recognised as ethnic groups under the law and there is a duty for all public authorities to therefore protect them from harassment, but also to proactively promote good race relations. More guidance on how to achieve this can be found on the CRE website http://www.cre.gov.uk/duty/grr/index.html.

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Legislation/government guidance/policy	Requirement
Human Rights Act (1998)	Article 8. Right to respect for private and family life 1. Everyone has the right to respect for his private and family life, his home and his correspondence. 2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others. Only one Gypsy and Traveller case has been successful in the European Courts (Connors v UK, 2004) and this was not related to planning for new sites, but instead an eviction proceeding on a local authority site. Notable cases include Buckley v UK (1997) and Leeds city council v Price (2006) and Chapman v UK (1995). In the latter case, the court found that there had been an interference with rights, but that this had been proportionate in taking into account the effect on the wider community.
Anti-Social Behaviour Act (2003)	Part 7 introduced new police powers to evict unauthorised campers. It also includes measures on fly-tipping and anti-social behaviour.
Housing Act (1996)	This Act made Gypsies and Travellers who live on unauthorised sites, homeless under the law. It defines a person as homeless if they have accommodation, but: • cannot secure entry to it, or • it consists of a moveable structure and there is no place where they are entitled to put it and reside in it or, they have accommodation but it is not suitable for their needs.
Criminal Justice and Public Order Act (1994)	This gives police powers to move on unauthorised encampments, especially through Section 61. Also, Section 80 of this Act repealed most of the duties of local authorities under the Caravan Sites Act 1968.
Homelessness Act (2002)	Local authorities were required to develop housing strategies that reviewed and predicted levels of homelessness. Therefore, in local authorities who were recording unauthorised encampments in their area, Gypsies and Travellers should have been included in these strategies, however in many local authorities this was not the case (Lord Avebury's research on this can be found at: http://www.travellerslaw.org.uk/pdfs/homeless.pdf).
Circular 02/2005 *Temporary Stop Notice*, CLG 2005	Gives guidance on the use of temporary stop notices, which can be relevant for unauthorised development of Gypsy and Traveller sites. A consultation process to changes here is currently ongoing.
Planning Policy Statement 1 *Planning for Sustainable Development* (2005)	Sections 14-16 deal with Social Cohesion and Inclusion and suggest that planning policies should, amongst other requirements, seek to reduce social inequalities and to take into account the needs of all the community. →

Legislation/government guidance/policy	**Requirement**
Planning Policy Statement 3 *Housing* (2006)	Section 21, under Achieving a mix of housing says that Regional Spatial Strategies should have 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.'*
Planning Policy Guidance 2 *Green Belts* (1995)	The impact on green belt land should be considered by local authorities in the preparation of development plans, and in individual planning cases.
Planning Policy Guidance 18 *Enforcing Planning Control* (1991)	Powers for planning authorities to deal with breaches in planning control, under the Planning and Compensation Act, 1991.
Environmental Protection Act (1990)	Section 33 criminalises fly-tipping in certain circumstances.
Circular 04/2007, *Planning for Travelling Showpeople*	Discusses the need for local planning authorities to consider the needs of Travelling Showpeople within their local development plans. This replaces Circular 22/91, to bring guidance more in line with 1/2006.

Appendix Two
Summary of public objection comments

Summary of reasons for objection to two proposed sites in Local authority Four

The government regeneration agency and landowner summarised the objection in representations it had received from members of the public:

'…You should be aware that we have received a number of well argued letters of objection to the location of a travellers site in the North East part of Local authority Four. The main objection [sic] to this facility relate to the following issues:

Local Infrastructure

- *Traffic hazard*
- *No pedestrian provision*
- *Overcrowding of schools near the development*
- *The site could compromise any future housing development*
- *Travellers using the site may get priority on future housing over Local authority Four residents*
- *Another travellers' site will have to be established elsewhere should this site be developed for housing*
- *Damaging effect on the perception of X, Local authority Four and a subsequent negative impact on house prices.*

The proposed site

- *Additional plots may be illegally added beyond what is proposed for the site*
- *Fear of crime*
- *Pollution*
- *Could deter the angling society from using the nearby lake*
- *Intimidate visitors visiting the nearby crematorium*

Issues arising from consultation

- *The proposed savings are exaggerated*
- *Costs of removing travellers who overspill into Local authority Four*
- *Scepticism as to whether the travellers will pay their rent*
- *Site could exacerbate existing problems of travellers in Local authority Four.'*

(Extract from letter from Government Regeneration Agency and Landowner to Local authority Four Chief Executive, 16/11/05)

The responses from the public were largely related to one of the two sites; there were objections to both, but one in particular caused the majority of objections. There were some objections based on misunderstanding, for example they were perceived as a

'law unto themselves', that they only 'take' from society, and that they would create 'no go areas'. Some of the themes of objection were similar to those outlined previously; they included:

- Disruption to the community.
- Travellers' culture.
- Concerns about anti-social behaviour (rubbish, noise, crime/violence, vandalism and policing.
- Access and traffic issues.
- Environmental effects (including general damage to the environment, rubbish, pollution, excrement, and loss of an area of natural beauty, wildlife, fishing lake and amenity space).
- Increasing pressure on local amenities (schools, health and other local services which were perceived as already being over subscribed).
- Site management issues (overspill from the site, wouldn't solve illegal encampments, difficulty getting Travellers to pay rent, security, cost of maintaining site).
- Site too close to crematorium (could result in vandalism, shows little respect for crematorium as a resting place).
- Cost (council tax increase, expenditure on support services increase).
- Site too close to housing.
- Concerns that property prices would fall and cost of household insurance would rise.
- Intimidation resulting in a reduction in quality of life (fear of 'no go' areas, not feeling safe to use local amenities).
- Easy access to a residential area ('no go' area, fear that gates would be broken down).
- Previous experience of Travellers in Local authority Four (residents' encounters with Travellers, visual impact of sites they've been moved on from).
- Local authority Four already over crowded/ over developed.
- Other sites more appropriate.
- No value to Local authority Four residents, does not present a positive image for residents or businesses.
- Detrimental effect on the image of Local authority Four.
- Land should be used for housing instead.
- Concentrating proposals for sites in one neighbourhood only; not spreading the responsibility across the borough.

(Summary of responses received by Local authority Four borough council during its consultation exercise on two proposed sites)