

MAYOR OF LONDON

Rt Hon Priti Patel MP

Home Secretary
The Home Office
2 Marsham Street
London SW1P 4DF

Date: 04 MAR 2020

Dear Priti,

Home Office consultation on strengthening police powers to tackle unauthorised encampments

I welcome the opportunity to respond to this consultation and, in particular, to focus on the specific needs of the Gypsy and Traveller community. Please treat this letter as my response to the questions raised in the consultation.

I recognise the issue of unauthorised developments and encampments is a complex and important one, given the impact they can have on local communities and on the Gypsy and Traveller community itself. However, there is already legislation in place which gives the police the powers to deal with unauthorised encampments and I am concerned that the proposed changes to the law could have a disproportionately negative impact on gypsies and travellers. The Gypsy and Traveller community is among the most disadvantaged in British society and faces significant hardships as a result of being forced to move against its will, which stems from a poor provision of suitable pitches and sites. This, alongside a lack of inclusive services and discrimination faced by the community, has significant negative impacts on their educational attainment, life expectancy, and quality of life. I believe the proposals in the consultation could not only worsen this inequality, but also does nothing to tackle the root causes of disadvantage through the provision of new pitches and sites, nor do they focus on the need to ensure that the Gypsy and Traveller community is treated with dignity and respect.

Whilst it is clear that local authorities, the police and the courts need to have adequate powers to prevent unauthorised developments and encampments, these encampments are often the result of the lack of adequate provision of dedicated sites and pitches for the Gypsy and Traveller community. The repeal of the 1968 Caravan Sites Act in 1994 resulted in local authorities no longer being required to build council sites; a change which led to a reduction in the number of pitches in the capital. This impact has been compounded by government changes to the definition of gypsies and travellers in legislation and national planning policy. This has left many Gypsies and Travellers – such as those who have ceased to travel permanently due to a lack of available permanent pitches, transit sites or stopping places, or frequent enforcement action – not being recognised, meaning they are not ‘counted’ in accommodation needs assessments nor subsequently planned for.

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The proposals in this consultation do not address the fundamental issue of the lack of adequate sites and pitches for the Gypsy and Traveller community and I am concerned that, if implemented, they will further compound the disadvantage and discrimination experienced by this group. I note the recent Court of Appeal judgement that dismissed an appeal by Bromley Council against the High Court's decision to refuse the Council's application for an injunction against "persons unknown" stopping on public land in the borough. This judgement ruled that gypsies and travellers have an "enshrined freedom" to travel from place to place, and that this borough-wide injunction to prevent encampments on public land would breach the rights of the communities it targeted. It is imperative that the Government holds this judgement in mind when considering its next steps following this consultation, especially in relation to its proposals to criminalise the act of trespassing and what impact this would have on gypsies' and travellers' ability to follow their nomadic way of life.

I am also concerned about the Government's proposal to allow police to direct people to "suitable authorised sites located in neighbouring local authority areas". Again, this proposal fails to deal with the real issue at hand. In London at present, there are unlikely to be suitable sites in neighbouring local authority areas to which to direct travellers due to historic lack of provision. As the consultation highlights, this change could act as a deterrent to local authorities delivering new pitches and sites, as they may not be able to manage the allocations of these pitches as they wish. In addition, it is unlikely that simple agreements between local authorities about cross-border provision would limit this impact, even if they are able to be reached. Finally, the consultation fails to adequately understand the significant negative impact on communities through being forced to move against their will – be that on education, employment or health. The multitude of issues that this community faces is outlined in a recent report by House of Commons Women and Equalities Committee¹, and I am concerned that these proposals do not adequately address these.

I am doing all I can to support the Gypsy and Traveller community across London. I have provided funding to the organisation London Gypsies and Travellers, to carry out research, published in December 2019, into how a 'negotiated stopping' approach might work in the capital. This approach to managing roadside camps, which has been successfully implemented in Leeds, involves local authorities and other landowners making an agreement with gypsies and travellers on matters such as facilities and waste disposal, sometimes directing them away from contentious public spaces to more suitable land. This research highlights the potential of this approach for addressing problems raised by a lack of suitable provision for gypsy and traveller accommodation. My officers are currently considering the recommendations of the research and will be responding in due course, but they would also welcome the opportunity to discuss with your team how we might work together with the Government to pilot this approach in London.

I will use the full extent of my funding and planning powers to work towards better planning for and meeting the accommodation needs of the Gypsy and Traveller community in London. The new London Plan includes a wider definition of Gypsies and Travellers than the Government's definition and aims to ensure that the needs of the whole community are planned for, including those who have been forced to abandon their traditional way of life due to the lack of pitches. Research has shown that Gypsies and Travellers who are forced to live in bricks and mortar housing can experience mental health problems as a result of stress and isolation², and yet estimates by London Gypsies and Travellers suggest that around 85 per cent of Gypsy and Traveller families in London now live in this type of housing. The Government must acknowledge the negative impacts that a lack of appropriate accommodation can have on this community and bring its definition in line with the new London Plan.

¹ [Tackling inequalities faced by Gypsy, Roma and Traveller communities, House of Commons Women and Equalities Committee, April 2019](#)

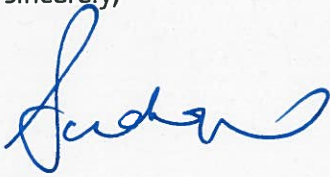
² [Shelter England, Good Practice Guide: Working with housed Gypsies and Travellers, February 2008](#)

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The new London Plan also outlines the expectation that boroughs should undertake a gypsy and traveller accommodation needs assessment (or update a recent one) using this new definition. I expect boroughs to undertake audits of existing pitches and sites, then plan to address the issues identified through these audits, as well as actively planning to protect existing gypsy and traveller accommodation capacity. I have also committed to initiate and lead a London-wide gypsy and traveller accommodation needs assessment in time for the next review of the London Plan. Finally, funding for building and refurbishing pitches is available through my Affordable Homes Programme, and officers are working actively with boroughs and the Gypsy and Traveller community to identify suitable sites for new pitches, as well as pitches and sites in need of refurbishment.

The impact of my work in this area would be greatly enhanced if it were supported positively in national housing and planning policy. I would hope that positive changes are reflected in the new Gypsy and Traveller strategy that the Government announced last year, which must do more to address the stark inequalities faced by this community. If it is serious about tackling inequality and meeting the needs of this community, the Government must reconsider the proposals in this consultation and refocus efforts on the provision of new pitches and sites to provide suitable accommodation for gypsies and travellers. In doing so, the Government must ensure that it works closely with gypsies and travellers and their representative organisations to find positive solutions to the challenges facing this community.

Yours sincerely,



Sadiq Khan
Mayor of London