

## Equality of Opportunity Committee

**Date:** 13 February 2003

**Time:** 9.30am

**Venue:** Committee Rooms 3 & 4, National Assembly Building, Cardiff Bay

**Title:** Differences between England and Wales in the provision of Gypsy Traveller accommodation

## Background

1. This paper focuses on the provision of Gypsy Travellers' sites. Policy in Wales and England towards the provision of accommodation for Gypsy Travellers and other groups has a common origin. The Caravan Sites and Control of Development Act 1960 empowered local authorities to develop caravan sites, including Gypsy Travellers' sites and to raise standards for caravan dwellers through site licences. The Act also brought static caravan sites within the land use planning system.
2. Between 1970 and 1994 the Caravan Sites Act 1968 placed a duty on local authorities – county councils – to provide adequate accommodation for Gypsy Travellers residing in, or resorting to, their areas. An Exchequer subsidy for site provision by local authorities was available after 1979. The existing network of Gypsy Travellers sites in England and Wales was largely developed under this legislation.
3. The duty on local authorities to provide adequate accommodation for Gypsy Travellers and the subsidy for the provision of new sites were removed by the Criminal Justice and Public Order Act 1994. The Act also introduced enhanced powers for local authorities and the police to tackle unauthorised camping by Gypsy Travellers and others. The accompanying Circular (76/94) made clear that local authorities were expected to retain and maintain existing Gypsy Traveller sites, lease them to others willing to maintain them, and could still use the 1960 Act powers to provide new sites where these are needed. Circular 76/94 also advised local authorities to tolerate Gypsy Traveller presence on land for short periods and to minimise any nuisance by, for example, providing basic services and emergency stopping places as close as possible to the transit routes used by Gypsy Travellers.
4. The removal of the duty on local authorities in 1994 to provide adequate accommodation for Gypsy Travellers and the ending of central government's financial support for site provision effectively ended local authorities' attempts to provide Gypsy Traveller sites.

5. Following these changes Gypsy Travellers or bodies representing them were effectively forced to provide their own sites through the planning system. The planning system in England and Wales recognises the specific needs of Gypsy Travellers. Government advice, for example, Welsh Office Circular 2/94 ( Gypsy Sites and Planning) and subsequent guidance, encourages local authorities to make provision for Gypsy Traveller sites in their unitary development plans and to discuss their accommodation needs with Gypsy Travellers themselves or their representatives, with a view to identifying suitable locations for sites, whether local authority or private, in plans, wherever possible. Where it proved impossible to identify suitable locations, local authorities are required to define clear and realistic criteria for suitable locations. Public opposition often makes it difficult to obtain planning permission for Gypsy Traveller sites or to include sites in development plans.

6. Since the mid 1990s differences have emerged in the approach to the provision of Gypsy Traveller accommodation in England and Wales.

7. In 1997 the former Welsh Office ended the biannual counts by local authorities which involved estimating the number of Gypsy Traveller sites in their areas. In Wales some local authorities continued to collect the information but the information was not presented at the all-Wales level or to an agreed format. Counts of Gypsy Traveller sites in local authority areas continued to be undertaken in England. In July 2002 ODPM (or DETR, as it then was called) announced the Gypsy Site Refurbishment Grant. This is a Challenge Fund of £70 million over 3 years from 2001-04 to help local authorities to improve and refurbish a limited number of Gypsy Traveller sites. This is not a predictable source of funding as local authorities have to compete against each other for support from the fund. It has, however, helped improve a number of Gypsy Traveller sites and maintained the existing network. No similar initiative was introduced in Wales.

8. In order to obtain information on the impact of the funding on Gypsy Traveller accommodation, ODPM also commissioned research from the Centre for Urban and Regional Studies in the University of Birmingham on the provision and condition of local authority Gypsy Traveller sites in England. The research study included surveys of all local authorities to establish details of the Gypsy Traveller sites in their areas, a sample of those sites to establish their condition, and an assessment of the need for Gypsy Traveller accommodation in each county area. The report established that there was need for additional expenditure of £123 million over the next 30 years to maintain the existing network of Gypsy Traveller sites in England and that there was also a requirement for 130 new sites by 2005. The report also recommended the need for transit sites and emergency stopping places.

9. In July 2002 ODPM and the Home Office jointly announced the intention to introduce enhanced police powers to deal with unauthorised camping which would apply to both Wales and England. These powers may be introduced later in this session of Parliament. The Government's original intention was that the police would only be able to use the new powers if local authorities had made 'adequate provision' locally for Gypsy Traveller accommodation. The Government has decided to drop the requirement for 'adequate provision', but the link between the use of the new power and site provision will be retained. In addition, ODPM intends to widen the scope of its existing Gypsy Sites Refurbishment Grant to provide money for emergency stopping places and

transit sites. This will only apply in England.

10. To summarise, in England:

- Information is being collected on the number of Gypsy Traveller sites and their condition; and
- Funding has been allocated to local authorities to assist in raising the standard of Gypsy Traveller sites . There are further proposals to fund the provision of stopping places and transit sites.

11. In addition, the report by Birmingham University provides the basis for developing a long-term approach to Gypsy Traveller accommodation policy in England.

## Implications for Wales

12. There is little, if any, information available on the number of Gypsy Traveller sites in Wales and their condition since the ending of the requirement to undertake biannual counts in 1997. In addition, unlike in England, the former Welsh Office and Assembly have not made available financial support to local authorities or others to upgrade their existing Gypsy Traveller accommodation. The poor condition of some of the older Gypsy Traveller accommodation in Wales was highlighted in evidence given to the Equal Opportunity Committee's hearing in December by local authority Gypsy site officers.

13. In order to inform the Assembly's policy on Gypsy Travellers there is a case for Assembly officials from the Housing, Planning and Local Government Modernisation Divisions to meet with local authority officials with responsibility for Gypsy Travellers' matters to discuss how to obtain up to date information on the demand, supply and condition of existing Gypsy Traveller accommodation and the costs of upgrading or expanding the network of sites. If this information is not available or would be impossible to collect within a reasonable timescale, the only option would be for the Assembly to commission independent research on this matter, as ODPM did last year.

14. The Committee is recommended to endorse the course of action outlined in paragraph 13.

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