

Consultation response proforma

If you are responding by email or in writing, please reply using this questionnaire proforma, which should be read alongside the consultation document. You are able to expand the comments box should you need more space

Your Details (Required fields are indicated with an asterix(*))

Family Name (Surname)*	
First Name*	
Title	
Address	
City/Town*	
Postal Code*	
Telephone Number	
Email Address*	

Are the views expressed on this consultation your own personal views or an official response from an organisation you represent?* (please tick as appropriate)

Personal View

Organisational Response

Name of Organisation (if applicable)

Leeds Gypsy and Traveller Exchange

If you are responding on behalf of an organisation, please tick the box which best describes your organisation.

Local Authority (including National Parks, Broads Authority, the Greater London Authority and London Boroughs)

Neighbourhood Planning Body/Parish or Town Council

Private Sector organisation (including housebuilders, housing associations, businesses, consultants)

Trade Association / Interest Group/Voluntary or Charitable organisation

Other (Please specify)

Unauthorised development and encampments

Question 1:

What evidence is there of unauthorised development and encampments in your community, and what issues does this raise for the local community?

Please enter your comments here

Leeds City Council operates a policy of negotiated stopping. The policy was successfully first piloted in 2011 and is the default first response of the LA to unauthorised encampments.

The negotiated stopping policy is fully integrated with Local Development Framework including the Gypsy Traveller Accommodation Needs Assessment, the Core Strategy and the Site Allocation Plan all of which has been approved by full council and by the Independent Examiner at Examination in Public. Therefore the authority is able to 'authorise' temporary encampments (utilising 'meanwhile' use of unused, derelict or development land) for up to 28 days provided that the terms of a good neighbour agreement are abided by.

Consequently issues for the local community arising from unauthorised encampments are minimised by the use of basic facilities – portaloos and household waste disposal. Additionally because camps are likely to remain in location for longer periods, time is available to problem solve and to interrupt crime and anti-social behaviour where necessary. Comments from local communities are as likely to be positive as negative in areas where camps remain for longer periods and where collaborative relationships with LA officials enable appropriate responses to local (settled) communities. The policy is a concrete example of Leeds' compassionate and problem solving approach to being an inclusive city.

Powers for dealing with unauthorised encampments

Question 2:

We would like to invite evidence of unauthorised encampments which have occurred in the last 2 years, as follows:

- a. the number of instances where trespassers have occupied land without authorisation, including the location and scale of the encampment.
- b. whether the land in a) required cleaning or repair once the encampment had left, and if so, what was the cost?
- c. how was each unauthorised encampment encouraged to leave, how long did it take, and was the local authority able to move them on; or did the police become involved?

Please enter your comments here

Answers to this question are likely to lead to a negative and unbalanced view of encampment by Gypsies and Travellers in the UK. Encampments managed by negotiated stopping according to the Leeds model are much more likely to result in no, or very low, clean up or repair costs. Residents of unauthorised encampments are more likely to make an agreement of leaving date and stick to it when they have clearly been treated fairly by the relevant authorities.

Streamlining the powers under which local authorities can direct unauthorised campers to leave land

Question 3:

Do you think that the existing powers made available to local authorities to remove unauthorised campers from land are effective?

Please enter your comments here

This question assumes that removing unauthorised encampment is the best or only way to respond. Powers to remove are already effective as can be evidenced by the rapid merry-go-around of eviction which some families are subject to. The problem is not lack of powers to remove but lack of permanent site accommodation and of guidance to facilitate good management of unauthorised encampment. Good practice models are available including Leeds and the MASCG approach to management of encampment in the lead up to and away from the Appleby Fair.

Question 4:

Do you think local authorities could improve their use of existing powers?

Please enter your comments here

No but they could improve and make more effective management of unauthorised encampment to reduce impact on settled neighbours. Best practice models which respect the rights and responsibilities of all communities are available and should be promoted by the Government. Having the ability to negotiate, via an agreed policy, suitable 'meanwhile' use of land results in less often use of powers to remove, saving money and reducing objection from Gypsy and Traveller individuals and groups when Sec 77 powers are used given that it is seen as a proportionate, last resort, response.

Question 5: What other powers may help local authorities deal with unauthorised encampments?

Please enter your comments here

No further powers are necessary. However if methods are adopted which do not seek immediate removal of unauthorised encampments, issues of crime and anti-social behaviour, where present, can be better dealt with by the relevant authorities using the correct powers. Rapid removal whilst promoted as desirable, particularly by politicians and the media, is in great part responsible for enabling and facilitating the types of behaviour, such as industrial scale dumping (which is best understood as an organised crime), and which is of most concern to settled people. Rather than seeking recourse to powers to remove wholly an unauthorised encampment, greater use should be made of powers to investigate, evidence and interrupt crime and anti-social behaviour by individuals. Bringing consequences of individual action to bear on the individual responsible is significantly assisted by slowing down the rate at which unauthorised encampments are removed.

Aggravated trespass

Question 6:

Do you consider that the current powers for police to direct trespassers to leave land are effective?

Please enter your comments here

Sec 61 is perfectly adequate but often over used. See other comments as to why rapid removal is often not the best response. Using negotiated stopping or other management approaches and policies to authorise use of suitable unused derelict or development land for specific periods of time and with specific 'good neighbour' agreements in place can enable use of section 62 powers without the need to build transit sites.

Question 7:

Would any new or revised powers that enable police to direct trespassers to leave land make it easier to deal with unauthorised encampments?

Please enter your comments here

The police need no greater power than they have already. As stated rapid removal facilitates rather than interrupts anti-social behaviour and crime.

Question 8:

Do you consider that the Government should consider criminalising unauthorised encampments, in addition to the offence of aggravated trespass? If so, how should a new offence differ, and what actions and circumstances should it apply to?

Please enter your comments here

Absolutely not. The Irish use of criminalised trespass laws has not resolved issues with unauthorised encampments resulting from lack of authorised places to camp, or of a lack of responses to authorise and regulate temporary use of suitable land. In fact the 'Irish response' has resulted in a massive increase in recorded number of Irish Travellers who are homeless. It has also effected significant and dangerous overcrowding on official halting sites such as led to the Carrickmines tragedy.

Quite likely attempts to criminalise trespass will result in Judicial Review or other legal challenge by both Gypsy and Traveller groups and other civil society organisations such as the ramblers association.

Use of injunctions to protect land**Question 9:**

What barriers are there to the greater use of injunctions by local authorities, where appropriate, and how might they be overcome?

Please enter your comments here

As above greater use of injunctions in the absence of authorised stopping places or of policies which authorise temporary stopping according to 'good behaviour agreements' will only make the issue worse. If every LA had enough permanent site pitches and a functioning policy to manage unauthorised encampments via negotiation the use of injunctions only where absolutely necessary would be more acceptable but possibly also less likely.

Joint-working between local authorities, communities and the police**Question 10:**

Do you have any suggestions or examples of how local authorities, the police, the courts and communities can work together more successfully to improve community relations and address issues raised by unauthorised encampments?

Please enter your comments here

Negotiated Stopping methodology works well for a number of authorities although often negotiation is carried out 'under the wire' by individual LA or Police officials and therefore goes unreported. The Leeds model of negotiated stopping has been evaluated by DeMontford University indicating savings to the LA of up to £2000 per week on previous expenditure, or a combined Police/LA annual saving of up to £238,000 year on year. Punitive approaches do not achieve such savings, nor do they incentivise appropriate behaviour or challenge to inappropriate behaviour by fellow encampment residents, quite the reverse. It is only by facilitating encampment in ways that incentivise collaboration and co-operation that anti-social behaviour can be effectively addressed.

Court Processes

Question 11:

Are there ways in which court processes might be modified in a proportionate way to ensure unauthorised encampments can be addressed more quickly?

Please enter your comments here

Not necessary. Court processes should respond to poor behaviour directly and individually, not provide wholesale rapid removal. It would be far better if collective available resources were put into better evidence gathering of specific criminal behaviour (such as waste dumping) than investing in amending existing court processes. The issues of concern that people experience in regard to unauthorised encampment are far better addressed by ensuring direct individual consequences for poor behaviour, not by rapid removal which merely shifts (and facilitates) anti-social behaviour or crime.

Interim possession orders

Question 12:

In your view, what would the advantages and disadvantages be of extending the IPO process to open land?

Please enter your comments here

No advantages whatsoever.

Powers for dealing with unauthorised development

Question 13:

Are you aware of any specific barriers which prevent the effective use of current planning enforcement powers?

Please enter your comments here

Planning enforcement should be considered holistically. A specific focus on unauthorised development by Gypsy and Traveller people is discriminatory and unnecessary.

Question 14:

If you are aware of any specific barriers to effective enforcement, are there any resourcing or administrative arrangements that can help overcome them?

Please enter your comments here

As above enforcement whilst there is long standing insufficient provision of permanent site pitches (whether publicly or privately owned) or of temporary stopping arrangements via negotiation is utterly counterproductive and alienates and excludes Gypsy and Traveller people.

Question 15: Are you aware of any specific barriers which prevent the effective use of temporary stop notices? If so, do you have a view on how these barriers can be overcome?

Please enter your comments here

As above stop notices in respect of Gypsy and Traveller pitch provision should not be available to an authority which has failed to provide sufficient permanent pitches.

Improving the efficiency of enforcement notice appeals

Question 16:

How do you think the existing enforcement notice appeals process can be improved or streamlined?

Please enter your comments here

It can't without creating a further misalignment and discrimination in the way that the planning system treats people from different backgrounds.

Government Guidance

Question 17:

How can Government make existing guidance more effective in informing and changing behaviour?

Please enter your comments here

The Government should pay attention to the cost savings and increased community cohesion available to local authorities and the police who negotiate temporary managed stopping arrangements. The Government should support and promote best practice in managing, rather than removing, unauthorised encampment which incentivises good neighbourliness and challenge/enforcement against **individuals** who behave badly.

Question 18:

If future guidance was issued as statutory guidance, would this help in taking action against unauthorised development and encampments?

Please enter your comments here

As above taking blanket 'action against' unauthorised encampment (rather than enabling action against individual crime or antisocial behaviour) is the wrong approach. Successive Governments have promoted negative, rapid removal, approaches to unauthorised encampment to no demonstrable benefit whatever to the general public. It is time for a courageous administration to recognise the duty to 'facilitate a gypsy way of life' (*Chapman v UK) and to offer constructive advice to local authorities and local communities on how to effectively manage, rather than to seek only rapid removal of, unauthorised encampment.

Planning and traveller site provision

Question 19:

Are there any specific barriers to the provision of more authorised permanent and transit sites? If so, is there any action that the Government could take to help overcome those barriers?

Please enter your comments here

Negative narratives (such as incorrect ascription of unauthorised encampment or development as 'illegal' by Government Ministers who should know better), as well as media reporting only where there are unmanaged issues or behaviours, are deeply unhelpful in supporting increased provision. Additionally the failure of the Government to sanction or even monitor local authorities who do not deliver enough permanent pitches, under the guise of 'localism', is one of the main factors as to why there still is a significant under-provision.

There is a worrying trend amongst some local authorities, such as Sandwell in the West Midlands, to create so called 'transit' sites with the specific and only aim of facilitating use of Sec 62 of the Criminal Justice and Public Order Act 1994 resulting in travelling families leaving the district. The Sandwell example includes very poor facilities (inhospitable surfacing, sub-standard and shared sanitary facilities) and significant overpricing both of a bond deposit and weekly per caravan charges which are unlikely to be attractive to anyone whilst 'travelling'. The Sandwell example involved no liaison or consultation with Gypsy and Traveller communities and one is shocked to hear Sandwell officials and the Police and Crime Commissioner crowing that the 'provision' is a success having been used only once since its creation, quite clearly this indicates that the provision is unsuitable for use by travelling families. Creation of a facility only to enable punitive measures is a frankly disgusting use of public funds which should be challenged in law (unlikely however due to LASPO). Far better that authorities should be encouraged to provide sufficient and adequate permanent facilities at the same time as adopting 'meanwhile' use of derelict or development land for negotiated stopping. It should not be possible for an authority to develop this type of 'punitive use' transit provision in an area where there is an under-provision of permanent site accommodation.

Impacts on the travelling community

Question 20:

What impact would extending local authority, police or land owner powers have on children and families and other groups with protected characteristics that public authorities must, in the exercise of its functions, have due regard to under their Public Sector Equality Duty?

Please enter your comments here

Quite clearly the wellbeing of the Gypsy and Travelling communities is low down on the list of desired outcomes from this consultation. The failure to include any question about the wellbeing of such until so far down the consultation document is indication enough of the priorities of those who devised the consultation and promotes no confidence of an intention to address wellbeing issues. Many of the questions fail to recognise that much unauthorised encampment passes without incident or report. Promotion of the consultation by Dominic Raab MP, with his repeated incorrect ascription of encampments as being illegal, has been deeply unhelpful and gives no confidence that the wellbeing of the vast number of Gypsy and Traveller people who do not act in ways that are criminal or anti-social, is of any interest to the Government. Both the narrative and this consultation with its clear aim of increasing powers of enforcement against unauthorised encampment, of itself, has caused damage to the wellbeing of Gypsy and Traveller people, increasing hate crime and excluding narratives. In this respect the Government has failed to have due regard to its duties under the PSED and seems unlikely to bring forward anything likely to support local authorities to do the same.

Question 21:

Do you expect that extending the powers referred to above would have a positive or negative impact on the health or educational outcomes of Gypsy, Roma and Traveller communities? If so, do you have any evidence to support this view, and/or suggestions for what could be done to mitigate or prevent any negative impacts?

Please enter your comments here

Existing focus on powers of enforcement rather than on good and effective management completely ignores the duty on the UK Government to effectively facilitate 'a gypsy way of life' and has been a constant source of distress and a feature of worsening relationships with settled communities. Such focus badly impacts not only Gypsy and Traveller people on unauthorised encampments or developments but on all members of the Gypsy Traveller and Roma communities in the UK. Only by promoting collaborative methods of managing unauthorised encampment which enable enforcement against individual rather than collective enforcement against crime or antisocial behaviour when it occurs, will we be able to significantly improve the status of Gypsy, Traveller and Roma people within UK society. The Government should be leading the charge to inclusion and effective management rather than encouraging the view that increasing powers for rapid removal is the only option.

Other comments

Question 22:

Do you have any other comments to make on the issue of unauthorised development and encampments not specifically addressed by any of the questions above?

Please enter your comments here

To reiterate-

There are collaborative ways to manage unauthorised encampment which are more effective, which save local authority tax payers money and actually enable increasing community cohesion. The Government must ensure that it is open to hearing about and acting on these examples (such as the Leeds Model of Negotiated Stopping and the MASCG provision of temporary stopping around Appleby Horse Fair) despite that they are in opposition to the view that more powers are necessary or desirable.

Provision of transit sites which are not acceptable to members of the Gypsy and Traveller communities, with the clear aim of enabling police use of Sec 62 to encourage those on unauthorised encampments to leave a district altogether, despite Chapman v UK, are an inappropriate use of public funds and should be advised against. Far better a) to ensure sufficient provision of permanent site accommodation and b) to adopt policies which make 'meanwhile' use of unused land according to negotiated good neighbour agreements and incur far lower costs, than to waste public money on 'transit' sites which will not be made use of.

Your opinion is valuable to us. Thank you for taking the time to read the consultation and respond.