



Friday 28th April 2018

Gypsy & Traveller Coalition
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Dear Mr Dominic Raab,

Ref: Consultation of powers for dealing with unauthorised Caravan sites and Developments.

In response to your announcement of a government review on laws and powers to deal with unauthorised caravan sites and developments on Thursday 5th April 2018.

The Gypsy & Traveller Coalition (G&TC) are highly concerned with the consultation you have announced on the most oppressed communities in society. Communities who face real inequalities in health, education and accommodation. We would have welcomed a consultation on the real disadvantages of what many Gypsy & Traveller families and individuals face in the country and how the government would look to improve health, education and perhaps ask the question of Local Authorities as to why they did not keep to the previous governments obligations of site provision for Gypsies & Travellers.

We would also like to clarify as a Coalition why your government took away the obligation from Local Authorities to provide site provision? You state if local authorities feel there is a need then they should provide site provision, However the tone in the debate on Gypsy and Traveller Unauthorised Caravan sites should have given you the evidence that your governments, and previous governments, legislation on site provision has clearly failed to meet any of the obligation requirements or actual needs of the Gypsy & Traveller communities.

The Coalition would ask you to consider a more proactive focus on adequate site provision to meet current and future need and for the government to fulfil its 'positive obligation to facilitate the Gypsy and Traveller way of life' (as outlined by the European Court of human rights in Chapman v UK)

Insofar as the consultation is presenting the Irish legislation as a potential template for changes to legislation in England and Wales, it is essential that consultees (who clearly cannot be expected to be experts on the situation in the Republic of Ireland) are given a correct sufficient explanation of the legal position in the Republic so that they can properly assess it as a template. This has clearly not been achieved in the consultation paper to such extent that the consultation is misleading to consultees. There is also the case that the Irish government provided homes for the Travellers affected by their legislation in the way of bungalows and new Traveller sites.

Failure to identify reasonable alternative options

We consider it is arguable that the consultation paper is fatally flawed because it fails to address a realistic alternative, namely that the perceived problems arising from such encampments and developments could be addressed by the provision of more permanent and temporary sites. However, it is true the paper does ask consultees whether they can suggest ways in which more site provision could be facilitated in one of the last questions (19) of the paper but there is no suggestion that site provision is a viable alternative to the other options identified in the consultation.

Failure to comply with the public-sector equality duty

We also consider the consultation paper does nothing to address the significant inequality of opportunity suffered by the Gypsies and Travellers living on unauthorised sites. We question whether the Government undertook an equality impact assessment before it prepared the consultation paper and regard the failure to identify the realistic option of site provision throughout the paper as prima facie evidence that has failed to comply with.

Conclusion

In conclusion for the reasons given within this letter we the Gypsy & Traveller Coalition feel that the consultation paper is fatally flawed and discriminates to a minority. It fails to present site provision as a realistic alternative option to the various suggested ways in which enforcement powers could be strengthened and mislead consultees on one of the main options advanced. It also seems to us to demonstrate a complete failure on the part of the government to comply with the public-sector equality duty. It is also considered that the government have failed to consider that Gypsies and Traveller communities are recognised by the Equality and Human rights Commission as one of the groups experiencing the worse health and educational inequalities in the UK. The Gypsy & Traveller Coalition believe increased enforcement powers are likely to worsen issues with communities across the country. It is our view that if families are evicted from unauthorised sites, they often have nowhere else to go therefore will have no other option but to create another unauthorised site in a new area.

It is our view and the circumstances stated that we call upon the Government to withdraw and review the consultation paper.

On behalf of The Gypsy & Traveller Coalition.