

# South West Law

(Legal Services in the Community) Limited

**2<sup>nd</sup> Floor, 48-54 West Street, St Philips, Bristol, BS2 0BL**

**Telephone: 0117 3146400 Fax: 0117 3146419**

**Community Care • Housing • Immigration/Asylum • Planning • Welfare Benefits**

## Consultation on Housing (Wales) Bill

South West Law is a Bristol-based legal aid law firm specialising in Immigration and Asylum, Housing, Welfare Benefits, Community Care and Planning work for Romani Gypsies and Irish Travellers across the country.

South West Law welcomes the proposals contained in clauses 84 – 89 which introduce a duty on local authorities to provide Gypsy and Traveller sites to meet identified needs and give the Welsh Ministers the power of direction should they fail to do so.

It is widely accepted that the only way to avoid the cost and resources required to deal with unauthorised encampment is to ensure that there are enough authorised sites for Gypsies and Travellers. Some 350 sites were established after the Caravan Sites Act 1968 introduced a duty on local authorities to provide sites, though the number would have been much greater had compliance with the duty been properly enforced by central government.

After the statutory duty was repealed by the Criminal Justice and Public Order Act 1994 and instead local authorities were required by Welsh Office Circular 02/94 (and its English equivalent, 01/94) to carry out their own assessment of sites and allocate land to meet the identified need in its local plan. This reliance on sites being brought forward through the planning system was undermined by the fact that the vast majority of planning applications by Gypsies and Travellers (as many as 90%)<sup>1</sup> were refused by local authorities' planning committees. Site provision tailed off and in 2003 it was estimated that a further 1,000-2,000 permanent sites and 2,000-2,500 transit sites were needed across England by 2007<sup>2</sup>.

In England, Circular 01/94 was replaced in 2006 by Circular 01/06 which required local authorities' assessments to be scrutinised by the regional planning boards who would be responsible for setting the number of pitches to be provided. However, before it could make any real impact, the Circular was replaced by *Planning Policy for Traveller Sites* (PPTS) which again allows local authorities to set their own targets. Our experience so far is that local authorities have been extremely slow to act, despite PPTS requiring them to

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<sup>1</sup> *Confined, Constrained and Condemned*, Friends, Families and Travellers (1996)

<sup>2</sup> *Local Authority Gypsy/Traveller Sites in England*, Pat Niner (2003)

be able to demonstrate an up-to-date 5 year supply of sites by March 2013. To our knowledge, only a handful of local authorities are anywhere near achieving this, with the rest being stuck in a cycle of needs assessment followed by a failure to identify land deemed suitable for sites, followed by further needs assessment, followed by further failures to identify suitable land. Without active supervision from central government site provision has slowed yet further and Gypsies and Travellers are being left with nowhere lawful to stop.

We consider that a statutory duty to provide sites supported by a power of direction is the most effective way to meet the accommodation needs of Gypsies and Travellers and avoid the problems of unauthorised encampment. We therefore congratulate the Welsh Government on its positive approach and fully endorse the proposals set out in the Housing (Wales) Bill.

**SouthWestLaw**

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