SERIES CLOSED

END OF
CONSERVATIVE ADMINISTRATION

1 MAY 1997
POLICY ON TRAVELLING PEOPLE IN SCOTLAND

I have seen a copy of your letter of 10 October to Tony Newton and have been following the progress you have made in making changes in your policy towards gypsy sites in England. In the light of the interest generated by the final stages of the Criminal Justice and Public Order Bill I thought I should write to let you and colleagues know the state of play on our policy on travelling people in Scotland.

When Michael Howard was in your position in 1992 and circulated a draft consultation paper with his letter of 16 July 1992 to John Wakeham, I commented briefly on 22 July 1992 to point out that I would be carrying out a separate review process in Scotland as the arrangements which operate for travellers here differ in many important respects from those applying in England and Wales. In general, issues concerning travelling people are much less contentious in Scotland; whilst there are always planning difficulties with individual site proposals, we have, for example, very little of the new age traveller problem that has manifested itself in the South.

There is no duty on local authorities to provide sites for travelling people but there is a hundred per cent capital grant scheme available to those which wish to provide sites. This policy has been operating throughout the lifetime of this Government and it has had the objective of meeting a target of 980 pitches in Scotland, a figure determined by an Advisory Committee which I appoint and which, inter alia, is consulted about grant proposals. By the end of 1994 local authority and private provision should have accounted for 77% of that target. Alongside the grant scheme the Lord Advocate has sanctioned a policy of toleration and non-harassment of travellers in areas where district authorities have not met their targets. This has succeeded in encouraging local authorities to make provision for proper sites and reduce burdens on the police and the Procurator Fiscal service.
I am clear that this grant scheme can only continue to be available for a finite period. I believe our policy has been highly successful, but it must be seen to be coming to an end, hopefully once the targets set have been achieved. Since 1986 it has been customary for me to have extended the grant scheme on occasions by periods of 3 years, the existing extension is due to run out on 31 December 1994. We are aware however of local authorities which have been working for some years to find suitable sites and which now have proposals in the pipeline. I would be reluctant to cut off abruptly their access to the grant. I therefore propose to extend the capital grant scheme in Scotland for a further 2 years until 31 December 1996. This will give local authorities in Scotland a final opportunity to meet the targets for site provision which have been set by the Advisory Committee. I believe the fact that I shall only extend the scheme for 2 years rather than the customary three will set a clear signal that it is heading for wind-up. My understanding is that even when your current Bill is enacted your Department will be continuing to process grant proposals which already have been submitted. I do not believe therefore that the situation on the ground will be all that different north and south of the border.

I would expect to make a low key announcement in Scotland during the latter half of November and would doubt that it would generate much interest and certainly should not in any sense undermine the position you have taken in the South.

I am copying this letter to members of EDH and to the Prime Minister and Sir Robin Butler.

Yours ever,

IAN LANG
The Rt Hon John Redwood MP

29 August 1993

Dear Sirs,

I have seen Tony Baldry's letter to you of 12 August about the Department of the Environment and Welsh Office proposals for dealing with illegal camping and the Home Secretary's proposals on new age travellers and raves. I agree that both proposals should refer to "vehicles".

Copies of this letter go to the Prime Minister, other members of EDH and to Sir Robin Butler.

Yours sincerely,

The Rt Hon the Lord Wakeham FCA JP
Lord Privy Seal
Privy Council Office
Whitehall SW1A 2AT
LEGISLATIVE PROGRAMME 1993/94

I am writing in the absence of John Gummer about our proposals for tackling the problem of illegal camping, about which he wrote to you on 14 June.

As you know, it was agreed at EDH in February that these proposals should be taken forward with the Home Office measures on large-scale illegal camping and raves in a Criminal Justice Bill next session. Consequently we have been working up Instructions to Counsel, in liaison with Home Office colleagues, and will shortly have final Instructions ready. This letter seeks your formal authority for the drafting of our provisions by Parliamentary Counsel.

I am sending copies of this letter to the Prime Minister, Michael Howard, James McKay, Peter Brooke, other members of FLG, and to Sir Robin Butler.

SIR GEORGE YOUNG Bt MP

The Rt Hon Anthony Newton OBE MP
Dear John,

I am writing in John Gummer’s absence following EDH’s agreement in February that this Department’s proposals for dealing with illegal camping and the Home Secretary’s proposals on New Age travellers and ravers should be presented as a single comprehensive package of measures designed to tackle all illegal camping by travelling groups. We have now been looking more closely at how the two sets of proposals will mesh together and there is one small anomaly which I believe can usefully be remedied.

Our proposals as we announced them in March, were restricted to illegal camping by persons in “caravans”. The Home Secretary’s provisions, however, are directed at those in “vehicles”. It would seem sensible, therefore, for our proposed power also to refer to vehicles, a slightly wider category which will cover all the types of mobile accommodation used by New Age travellers.

I trust that colleagues will agree that this amendment will enable us to present the two sets of proposals more effectively as a single package dealing with closely connected problems. May I have your agreement please?

Copies of this letter go to the Prime Minister, other members of EDH and to Sir Robin Butler.

Tony Baldry

The Rt Hon the Lord Wakeham FCA JP
Lord Privy Seal
Privy Council Office
Whitehall SW1A 2AT
The Rt Hon Michael Howard QC MP
Home Office
Queen Anne's Gate
LONDON SW1H 9AT

Dear Michael,

Thank you for sending John Redwood a copy of your letter of 12 July to John Gummer. I am replying in John's absence.

I recognise that illegal camping is a serious problem and I agree that the police should have all necessary powers to deal with 'raves' and large gatherings of New Age Travellers. I can see the case for the police being given powers to seize vehicles in those circumstances. The seizure of gypsy caravans which are illegally camped is however more difficult.

Accordingly, I share your view that the issue of impounding vehicles be reconsidered and I should be grateful if Welsh Office officials could be kept in touch with the discussions you propose.

... I am sending a copy of this letter to the Prime Minister, to other members of EDH and to Sir Robin Butler.

Yours sincerely,
Home Art: Cipriu Sta. Ski  Jan 92
The Rt Hon Michael Howard QC MP
Secretary of State
Home Office
50 Queen Anne’s Gate
LONDON
SW1H 9AT

Richmond House
79 Whitehall
London SW1A 2NS
Telephone 071 210 3000

From the Secretary of
State for Health

29 July 1993

Michael,

REFORM OF CARAVAN SITES ACT 1968

Thank you for copying to me your letter of 12 July to John Gummer.

You refer to the decision not to proceed with the proposal to give the police power to impound the vehicles of trespassers or illegal campers and say that you would like to reopen the issue. When reform of the Caravan Sites Act was first mooted, we expressed concern about the possible effect on vulnerable people and the repercussions from social services departments if caravans were impounded. I therefore welcomed – in my letter of 4 February to you when at Environment – the dropping of the proposal. Much will depend, of course, on the circumstances in which you envisage the police being able to exercise the powers, but we would certainly wish to be involved in any fresh proposals you bring forward.

I am copying this to EDH colleagues, the Prime Minister and Sir Robin Butler.
The Right Honourable The Lord Wakeham
Lord Privy Seal
Privy Council Office
Whitehall
LONDON SW1A 2AT

29 JUL 1993

Dear Lord Privy Seal,

CRIMINAL JUSTICE BILL: PROVISION ON NEW AGE TRAVELLERS, RAVERS, SQUATTING AND HUNT SABOTEURS

I have seen copies of Michael Howard's letters of 2 and 12 July, in which he sets out new proposals to deal with situations where problems may arise because trespassers assemble in large numbers or because they seek to interfere with a landowner’s or occupier’s lawful enjoyment of his property. I am responding on John Patten's behalf in his absence due to illness.

I support Michael's view that the police should have comprehensive powers to tackle the intolerable disruption caused by mass trespass other than in the very particular circumstances of raves and am content with his proposals in this regard.

I also note that Michael wishes to reopen the question of the possibility of impounding vehicles, not only of those who had been ordered to leave land on which they were committing mass trespass but also of others illegally encamped. I have some doubts about this proposal. As John Patten indicated in his letter of 1 February last, we should not lose sight of the educational needs of Gypsy and Traveller children in pursuing our proposals. If vehicles which provide living accommodation are impounded that risks making those concerned statutorily homeless, with all that that status entails. It also risks adversely affecting the children's attendance at school.

BARONESS BLATCH

This letter has been copied to the Prime Minister, to all Members of the House of Lords, and to Sir Robin Butler.
The Right Honourable Michael Howard, QC, MP,
Secretary of State for the Home Department
Home Office
Queen Anne's Gate
London SW1

28 July 1993

DEAR MICHAEL,

REFORM OF CARAVAN SITES ACT 1968

Thank you for sending me a copy of your letter of 12th July to John Gummer.

As you have said, the possibility of giving the police powers to impound vehicles of trespassers or illegal campers was put forward earlier this year, but was not proceeded with then. If the question is to be reopened now, we shall have to address a number of difficult issues. I believe that we should think very carefully before introducing any powers to impound vehicles, particularly where the vehicle may be a person's home, which may even still be occupied by him or members of his family. I understand that the response to your consultation paper reflected strong opposition to this proposal. Moreover, the practical difficulties connected with seizure, storage, and eventual reclaim of vehicles would be enormous, even without that added factor of the vehicle being a home whose seizure would leave a family without their home and possessions. We should have to consider whether such impounding would be the best way of achieving the aim of protecting the public from disruption, and in exactly what circumstances any powers should be exercisable.

I have asked my officials to give your and John Gummer's every assistance in considering the form and feasibility of any powers which may be proposed, and I should be grateful if your officials would keep them informed as proposals are developed.

I am copying this letter to John Gummer, the Prime Minister, EDH colleagues and Sir Robin Butler.
Dear John

SQUATTING

I have seen Ian Lang’s and John Gummer’s letters to you of 16 and 22 June respectively, regarding the proposals on squatting which were outlined in Kenneth Clarke’s letter to you of 13 May.

In his letter Ian expresses concern that our proposals should not be presented in a way which might be construed as critical of the Scottish legal position, enshrined in the Trespass (Scotland) Act 1865. I fully understand Ian’s concern, and I can certainly give him my assurance on this point.

I entirely understand, and share John’s concern that by making it easier to evict squatters we should not assist unscrupulous landlords to evict lawful tenants. As Kenneth explained in his letter, some tipping of the balance away from the protection of alleged squatters and in favour of the protection of those whose property is squatted in is inevitable. Indeed this is the point of our proposals, as the present balance is clearly, and rightly, felt to be wrong and unjust. However, we have been very careful that our proposals should present no encouragement to future Rachmans, and for this reason we propose making it a criminal offence to seek the proposed new interim possession order fraudulently. Those who are found at a full hearing to have been wrongly excluded by an interim order will also be entitled to damages, as well as to costs and re-instatement in the property.

John expressed some concern that not everyone will have the resources to seek a full hearing, but, of course, this hearing will be nothing more than the hearing of an application for possession which at present takes place in every case. Once the alleged squatters have indicated that they want a full hearing, it will be for those seeking to exclude them to establish their case in the usual way.

Because those who are wrongly evicted under the new procedure will have free-standing rights of redress in both the criminal and civil law under our proposals, I do not envisage that they...
will seek to exercise their parallel rights under the Protection from Eviction Act 1977 or the Housing Act 1988. However, these Acts will not be affected by our proposals and I presume that a fraudulent attempt to obtain an eviction under the new procedure will therefore be an unlawful deprivation, as well as a civil and criminal offence in its own right. It will not be possible to prosecute someone twice for the same offence, however, and the proviso in section 27(3) of the Housing Act 1988 will prevent anyone from suing under that Act if they have already obtained damages. Obviously, a lawful eviction under the new procedure will not constitute an unlawful deprivation.

John also asked who would be able to use the new procedure and against whom it would be available. As this is to be a modification of the existing procedure it will be available in essentially the same cases, that is to say, those seeking the remedy must themselves claim to be entitled to possession of the premises either as lawful owners or lawful occupiers. The remedy will not be available to third parties such as local authorities or neighbours who may also wish squatters to be evicted. The procedure will be limited to cases involving premises and will not be available against trespassers on land. The expedited remedy will also not be available against tenants who are "holding over" following the expiry of their leases. These cases will be excluded and in such cases landlords will have to make use of the existing remedies.

Finally, I have noted John’s comments about the desirability of fines being high enough to deter shop squatters. I have not yet decided the appropriate level of fines, but this is clearly a factor to be borne in mind.

I am copying this letter to John Gummer and to the other recipients of Kenneth Clarke’s original letter.

Michael Howard
From the Minister

The Rt Hon Michael Howard QC MP
Secretary of State for the Home Department
Home Office
50 Queen Anne’s Gate
LONDON
SW1H 9AT

23 July 1993

Dear Michael

REFORM OF THE CARAVAN SITES ACT 1968

Thank you for copying to me your letter of 12 July to John Gummer.

I support your proposal for powers to impound the vehicles of those ordered to leave land on which they are trespassing. I am certain that such powers would be effective and widely welcomed. Whilst this is clearly an issue which needs working up by officials (as Ken Clarke said in his letter of 15 March), your suggestion of parallel powers against illegal camping is a sensible one.

I know that we have considered similar proposals before and dropped them in view of possible financial, manpower and presentational difficulties. However, this is a serious matter and I am convinced that strong measures are needed to tackle it. I do not discount the presentational difficulties, but in practice I am sure that the deterrent effect of these powers would be sufficiently powerful that in practice they would rarely need to be invoked. Also, in considering whether to proceed we must remember the interests of farmers and landowners, whose livelihoods can be threatened by these illegal activities.

I am copying this letter, as you did, to EDH colleagues, the Prime Minister and Sir Robin Butler.

GILLIAN SHEPHARD
Dear John

REFORM OF CARAVAN SITES ACT 1968

I attach copies of correspondence I had earlier this year with Kenneth Clarke when we were both occupying different posts. As you know, we concluded at that time that we would not proceed with powers for the police to impound the vehicles of trespassers or illegal campers. Now that I have looked again at the various questions of new age travellers, ravers, squatters and hunt saboteurs, I have concluded that this is a question we should re-open. I have asked my officials to bring forward proposals which would permit the police to impound the vehicles of those who had been ordered to leave land on which they were trespassing. In the interests of consistency I would like to invite you to ask your officials to consider whether similar proposals could be extended to illegal campers. If you agree I will ask my officials to contact yours as soon as possible.

I am copying this to DH colleagues, the Prime Minister and Sir Robin Butler.

Yours ever

Michael

MICHAEL HOWARD

The Rt Hon John Gummer, MP
Department of the Environment
2 Marsham Street
London SW1
Dear Mr. Howard,

REFORM OF CARAVAN SITES ACT 1968

Thank you for sending me a copy of your letter of 17 February to John Wakeham.

I agree that it is important that we are seen to act in a consistent manner across the spectrum of illegal camping ranging from the significant local nuisance which the proposals contained in your letter are planned to deal with to the mass raves on which I recently put proposals to EDH. I am content with the line you are now taking - including your proposal that enforcement will rest with local authorities. I am, however, not entirely clear about your proposal to impound vehicles directly involved in activities which cause damage and nuisance and to retain them until the site concerned has been cleared and restored to its original condition by the offenders. The vehicles would then be returned on payment of fees for storage. Since the offence committed relates to failure to leave a site when ordered to do so, not to any damage committed on it, I am not sure how the court would be in a position to assess whether to impose such a penalty. This is something which perhaps your officials could explore in detail with mine.

I hope that colleagues will be able to agree that our Departments should now work together to take all this forward. My officials will be ready to assist yours where that would be useful.

I am copying this letter to members of EDH, to the Prime Minister and to Sir Robin Butler.

Kenneth Clarke
(approved by the Home Secretary and signed in his absence)

The Rt Hon Michael Howard, QC, MP
Department of the Environment
2 Marsham Street
London SW1P 3EB
Dear Lord Privy Seal

You will recall I wrote to you on 25 January about Cranley Onslow's Private Members Bill and our proposals to reform the Caravan Sites Act 1968 in order to tackle illegal camping by gypsies. I have now seen the paper on New Age Travellers and ravers submitted by the Home Secretary for consideration at EDH on Thursday. My Department has been involved in the preliminary preparation of these proposals and I welcome the general approach. I believe the proposals will be warmly welcomed by our supporters in the House although it will be necessary to discuss some of the details at the EDH meeting on Thursday 18 February.

I now think that it is an urgent priority that we consider carefully whether the consultative proposals issued by my Department last August together with the proposals in the Home Secretary's paper can be effectively presented as a comprehensive Government response to the associated problems of illegal camping and mass trespass. I fully agree with the Prime Minister's suggestion that these two sets of proposals should be announced at the same time and that my proposals of 25 January needed further consideration and discussion.

The debate on the Second Reading of Cranley Onslow's Bill on 5 February evinced general support from interested backbench colleagues for the principle of tougher powers against illegal camping and demonstrated the general concern about the activities of New Age Travellers. I am concerned now about weakening our original proposals which covered all illegal campers if the effect of this course of action is that areas of illegal camping are not properly addressed by either our revised proposals directed solely against gypsies or by those contained in the Home Secretary's paper. It would appear, for example, that illegal camping on unoccupied land by non-gypsies, in all probability New Age Travellers, would fall into such a grey area, because the
amended section 39 of the Public Order Act 1986 which is proposed requires an occupier of land to make an initial complaint about trespassers.

On the other hand we need to avoid an overlap of powers which introduces uncertainty about whether it is for the police or the local authority to act in particular situations. Our proposals may in practice bite principally on small scale camping but in fact they overlap those from the Home Secretary. I see merit instead in dovetailing our proposals and remedies with those in the existing section 39 and those proposed by the Home Secretary.

I propose now to provide that where a person stations a caravan [a definition which includes vehicles designed or adapted for people to live in such as those used by New Age Travellers] for the purpose of residing for any period on highway land, or on unoccupied land, or on occupied land without the consent of the occupier, and if the local authority reasonably believes that section 39 of the Public Order Act 1986 does not apply, then the authority may direct that person to remove the caravan and any associated vehicles from the land. If he fails to comply with that direction as soon as reasonably practicable, or if, having left, he returns to the same land as a trespasser within 3 months, he commits an offence.

I further propose that where a magistrate's court, on complaint made by the local authority by whom a direction has been given, is satisfied that a caravan is stationed on land in contravention of the direction, it may make an order for the removal of the caravan, anyone in it and any associated vehicles. Such an order may authorise a local authority to take steps to secure compliance, after giving notice to the owner and occupier of the land. These proposals will not cover cases where the occupier has consented to the encampment which will continue to be dealt with under the present planning regime.

The direction procedure has the twin advantages of not criminalising trespass, thus distinguishing e.g. tired holidaymakers stopping briefly with their caravans to recuperate, but of criminalising repeated trespass within three months—a problem raised in some responses to our consultation paper and by our supporters. Our proposals also complement the existing provisions in section 39 on aggravated trespass.

There may also be advantage in reading across the Home Secretary's proposal to impound as a last resort vehicles and equipment directly involved in the conduct of a rave. Illegal camping can cause great nuisance and distress when accompanied by tipping, cable burning and similar anti-social activities, but I recognise the difficulties associated with impounding caravans and similar living quarters. Our supporters may welcome the impounding of vehicles, normally not caravans, directly involved in activities which cause damage and nuisance in conjunction with illegal camping, which reflects the Home Secretary's proposals. The impounded vehicles would be returned on payment of fees for
their storage when the site concerned has been cleared and restored to its original condition by the offenders.

We, like the Home Secretary, anticipate that in practice most illegal campers will obey directions and remove their caravans and other vehicles. These provisions should not therefore result in an additional burden on the courts. Similarly we would not see the proposal to impound vehicles as creating a new financial burden. We also anticipate, as our proposals on the whole complement those where the police will issue directions, that they will not involve major calls on police resources. Our proposals leave the police to deal with encampments which raise public order issues, whilst leaving the local authority to deal with those more related to its functions - public health, planning etc.

These proposals seek to parallel and complement those put forward by the Home Secretary and I hope the Prime Minister's suggestion can now be followed up by detailed discussion between Departments. I appreciate that this will arrive too late to be discussed in detail on Thursday and I am sure colleagues will wish to reflect on our proposals. I hope that any final decisions will not be taken until both sets of proposals have been considered as a whole. Given that the proposals are complementary and ours should amount to less than ten clauses early discussions on the sponsorship and handling of legislation would be helpful. Our proposals to curtail further public provision of gypsy sites and the availability of grant for their capital costs, and to introduce new planning guidance to encourage greater private provision, stand.

I am copying this to members of EDH, the Prime Minister and Sir Robin Butler.

Yours sincerely

Penny Marris

MICHAEL HOWARD

(Approved by the Secretary of State
and signed in his absence)
Dear John,

I am writing to seek your and colleagues' agreement to include in the forthcoming Criminal Justice Bill further measures to prevent football hooliganism abroad.

Background

Under the provisions of Part II of the Football Spectators Act 1989 a person convicted of a football-related offence may, if a court believes that it would help to prevent violence or disorder at or in connection with designated football matches, be made subject to a Restriction Order. This has the effect of requiring him to report to a police station in England or Wales at times when important football matches are being played overseas. It is a criminal offence not to report when required to do so.

Problems

There are considerable difficulties with the Restriction Order scheme. The process is rather complex and bureaucratic and courts in this country have shown a marked reluctance to make use of the provisions.

The Home Office has issued several circulars urging full use of the measures and my officials have held constructive discussions with the Justices Clerks' Society and the Magistrates' Association. Despite these efforts very few Orders have been made and there are currently only five extant. We shall certainly come under pressure to produce a more workable scheme to prevent hooligans travelling abroad.

My judgement is that we should create a new all-embracing exclusion order to deal with football hooligans. This would be in two parts: an order prohibiting attendance at matches in England and Wales and an optional further measure to restrict travel abroad. The Courts are making good use of their existing powers to exclude convicted hooligans from attending domestic matches: over 7000 exclusion orders have been imposed.

The Rt Hon The Lord Wakeham
Lord Privy Seal
Privy Council Office
London SW1
By combining the measures in a two-tier order the courts would positively be encouraged to tackle the problem of hooliganism abroad. It would also fill in the lacuna, created when the football membership scheme was shelved, that persons restricted from travelling abroad are currently not excluded from attending matches in England and Wales. The new order would be simpler for the courts to use.

The Government could gain considerable credit from the football lobby for tackling this problem. It should be presented as one to deal with hooliganism abroad, and we should resist any attempts to broaden it to cover the football membership scheme.

I should be grateful for your and colleagues to indicate your agreement to Parliamentary Counsel preparing measures to be included in the forthcoming Criminal Justice Bill by 23 July.

I am copying this letter to the Prime Minister, members of EDH Committee and to the Secretaries of EDH Committee.

Michael Howard
Dear John,

THE INTERNAL MANAGEMENT OF LOCAL AUTHORITIES IN ENGLAND

Thank you for copying to me your letter of 22 June to John Wakeham enclosing a copy of the report of the working party on the internal management of local authorities.

I have no objection to publication of the report, as you propose. I would just point out, however, that the recommendation that consideration be given to removing the statutory requirement for, inter alia, police committees, will in any event be overtaken by the plans for new police authorities set out in my recent police White Paper.

I am copying this letter to other members of EDL, Sarah Hogg and Sir Robin Butler.

MICHAEL HOWARD

The Rt Hon John Gummer, MP
Department of the Environment
2 Marsham Street
London SW1
Home Affairs - City Site R.I. Sunar
Treasury Chambers Parliament Street SW1P 3AG
071-270 5000
Fax 071-270 5456

The Rt Hon Michael Howard QC MP
Secretary of State for the Environment
Department of the Environment
2 Marsham Street
London
SW1P 3EB

31 March 1993

Dear Michael

Illegal Camping

I have seen your letter of 29 March to John Wakeham in which you put forward a revised Government line on illegal camping, which your Department and the Home Office have formulated jointly.

2. I can accept the policy changes you are proposing. As before, my agreement is on the following conditions: that departments affected by the proposals identify as clearly as possible the likely financial implications; and that the commitment George Young made in his letter of 17 August 1992 to Anthony Nelson, that DOE would accommodate any net additional costs within its PES provision, still stands.

3. I am copying this letter to the Prime Minister, other members of EDH and Sir Robin Butler.

Yours ever,

Michael Portillo
Dear Michael,

ILLEGAL CAMPING, NEW AGE TRAVELLERS AND RAVES

Thank you for your letter of 29 March seeking agreement for you and Kenneth Clarke to announce, before the Easter recess, a package of measures designed to tackle illegal camping by travelling groups. I understand that the announcement will take the form of two separate written answers which will be accompanied by a press release.

I note that there are two significant differences between the terms of the proposed announcement and the proposals originally discussed by EDH on 18 February. Mark Adams’s letter of 30 March conveyed the Prime Minister’s endorsement of your proposals, and I understand that other colleagues are content with the terms of the proposed announcement. You may take it, therefore, that you have EDH Committee’s agreement to proceed as you suggest.

I am copying this letter to the Prime Minister, Kenneth Clarke, other members of EDH Committee, Nick Lyell, and to Sir Robin Butler and First Parliamentary Counsel.

Wakeham

The Rt Hon Michael Howard QC MP
Dear Michael,

GYPSY SITES POLICY AND ILLEGAL CAMPING

Thank you for sending me a copy of your letter to 29 March to John Wakeham setting out your proposed revisions to the proposals set out in your letter of 17 February.

I agree that the revised proposals offer a constructive and consistent way forward. I am content for the announcement to be made before the House rises for the Easter Parliamentary Recess.

However, I should like the announcement to make clear that the Secretary of State for Wales will jointly with you be introducing the proposals for reform of the Caravan Sites Act 1968.

I am sending a copy of this letter to the Prime Minister, to other members of EDH and to Sir Robin Butler.

Yours ever,

The Rt Hon Michael Howard QC MP
Department of the Environment
2 Marsham Street
LONDON SW1P 3EB
Dear Penny,

NEW AGE TRAVELLERS, RAVERS, GYPSIES AND ILLEGAL CAMPING

The Prime Minister has seen your Secretary of State’s letter of 29 March to the Lord Privy Seal.

The Prime Minister is content for the announcements by the Home Secretary and your Secretary of State to go ahead. He welcomes the fact that these two announcements are being made simultaneously and is grateful for the work the two departments have done to coordinate them.

The Prime Minister is keen to see these proposals presented strongly. He thinks it would be particularly helpful to draw the detail of the announcements to the attention of Parliamentary colleagues.

I am copying this letter to the Private Secretaries to members of EDH and to Melanie Leech (Cabinet Office).

Yours,

MARK ADAMS

Mrs. Penny Allars,
Department of the Environment.
Prime Minister

Good news that this announcement is to go ahead, and that the Home Office and DoE measures are being co-ordinated. The bad news is legislation will of course not be in place to bite this summer.

PRIME MINISTER

29 March 1993

cc Mrs S Hogg

NEW AGE TRAVELLERS,

1) Where do they go?
2) How to play by...

You will be pleased to hear that we have at last squeezed some decent proposals on New Age Travellers and Ravers out of the Home Office and DoE. The idea is to proceed jointly on two fronts, with DoE saying they would legislate when time allowed so that:

1) Local Authorities should have powers to deal with all cases of illegal camping, not just those cases in which the police cannot act.

2) Local Authorities could direct any trespassers to remove their caravans from land. Failure to comply would be a criminal offence, as would returning within three months. At the moment these powers are restricted to councils which provide gypsy sites under the 1968 Caravan Sites Act.

3) But DoE do not intend to proceed with a back-up power to seize caravans, since this may cause travellers to become statutorily homeless, with a consequent claim on local authority housing.

4) The duty imposed on councils by the 1968 Act to provide gypsy sites will be repealed.

At the same time, the Home Office will announce that:

1) Section 39 of the Public Order Act, which deals with aggravated trespass, will be extended to cover trespass on minor highways.
2) At the moment 12 vehicles are required to be trespassing as one of the triggers for the exercise of police powers. This number will be reduced to six.

3) On large-scale raves, the police will be given powers to order the dispersal of groups of more than 10 people if the police reasonably believe they are gathering for the setting up of a rave involving loud music played during the night.

4) The police will also have powers to turn back within a radius of five miles anyone they reasonably believe is intending to go to the rave site. They will also have powers to seize amplification equipment, and vehicles (such as lorries with generators) necessary for continuing the rave.

All of these measures fit in with your remarks at last year's Party Conference, and will be well received by our supporters. The biggest remaining question is what happens this summer, as the legislation will not be in place. The Home Office has set up a national intelligence system for the police which will enable them to cope more effectively with raves this summer. This will help with the large-scale incursions, but we will just have to hope that the new climate of disapproval will discourage some of the small-scale bands of Travellers from setting out.

RECOMMENDATIONS

Michael Howard has written proposing that the Parliamentary answers should go out on Wednesday. I recommend you approve this, and that the letter also expresses a hope that the two Departments will make the most of the announcement to make it clear the Government is fulfilling an important commitment in the battle for law and order.

D.G.

DAMIAN GREEN

140.DG
EDH Committee decided on 18 February that the Home Secretary's proposals for New Age travellers and ravers and my Department's proposals for gypsies and illegal camping should be announced as soon as possible and at the same time; and should be presented as a single and comprehensive package of measures designed to tackle all illegal camping by travelling groups. We were asked to sort out the remaining grey areas between our two sets of proposals.

The Home Secretary and I have considered this matter carefully, and we are now agreed that we are in a position to announce a convincing and consistent package of measures before the Easter Parliamentary recess.

There are two key changes from the proposals set out in my letter of 17 February. Firstly, we have decided that local authorities' powers should cover all cases of illegal camping, rather than just those circumstances in which the police do not have the discretion to intervene under the Public Order Act 1986. This is primarily because the police are not empowered to take action where there is no occupier of land making a complaint. There may also be circumstances where the Public Order Act applies but where the police decide not to use these powers which are discretionary. We are agreed that it is important that the proposals should jointly cover all cases of illegal camping.

Our revised proposals would therefore give all local authorities in England and Wales the power to direct any person who has stationed a caravan for the purpose of residing on any highway land, unoccupied land and occupied land (without the consent of the occupier) to leave that land; and, if they refused, the power under an order from a magistrates court to remove caravans from such land. This is a significant extension of the existing powers which currently may only be exercised by authorities designated under the Caravan Sites Act 1968 and which are exercisable only against gypsies.
Secondly, we have decided not to pursue the proposal to introduce a power for the police to impound vehicles used in connection with anti-social activities such as tipping and cable burning. Local authorities already have a range of statutory powers to control nuisance on land. In addition to this, a new power to impound vehicles would inevitably have serious financial and manpower consequences which we both believe would be undesirable.

You are aware from my earlier correspondence that we did not propose to pursue my Department’s original proposal that caravans should be seized (because of the strength of opposition to this proposal reflected in the response to our consultation paper) and the Home Secretary’s impounding proposals do not apply to living accommodation.

We intend to make the announcement in the form of separate Written Answers to be given on 31 March before the House rises, accompanied by a joint Press Release. I enclose a preliminary draft of a Press Release for your information.

I am sending a copy of this letter to the Prime Minister, to other members of EDH and to Sir Robin Butler.

Yours sincerely,

Michael

MICHAEL HOWARD
DRAFT JOINT PRESS RELEASE

GOVERNMENT ANNOUNCES NEW PROPOSALS TO TACKLE ILLEGAL CAMPING AND NEW AGE TRAVELLERS AND RAVES

The Government today announced a range of measures designed to tackle the problem of illegal camping by various groups of travellers including New Age travellers, ravers and gypsies. In written replies to Parliamentary Questions, Department of Environment and Home Office Ministers set out the Government's proposed legislative proposals to curb illegal camping and prevent a repetition of the huge raves that took place last Summer.

In a written reply to a Parliamentary Question from [ ], Mr Tony Baldry, an Environment Minister said:

"My Department and the Welsh Office issued a consultation paper, "Reform of the Caravan Sites Act 1968", on 18 August 1992. The paper set out our proposals for reducing illegal camping. It was widely circulated, and we have received 939 formal responses, copies of which are in the Department's library. A list of the responses is in the Library of the House.

Responses were received from local authorities, police authorities, the Churches, farmers, landowners, members of the public and, not least, gypsies and other travellers. Most respondents acknowledged the deficiencies of the present arrangements for providing caravan sites for gypsies, although few made any constructive suggestions for change.

The existing system of local authorities' providing caravan sites has not yielded sufficient accommodation for gypsies. Nor has it reduced the incidence of illegal camping, which can be an intolerable nuisance for residents of the settled community. The Government considers that local authorities should have stronger powers to deal quickly and effectively with illegal camping, and that the Exchequer should no longer have an open-ended commitment to meet gypsies' accommodation needs; more gypsies should be
encouraged to find their own sites.

Accordingly, as soon as Parliamentary time allows, my Rt Honourable and Learned Friend the Secretary of State for the Environment will legislate to give local authorities a new power to direct trespassers to remove their caravans from land; failure to comply with such a direction would be a criminal offence. Local authorities would then have the power to evict on receipt of a magistrate's order. It would also be a criminal offence if, having left, the trespasser returns to the same land within three months. The duty which the 1968 Act places on local authorities to provide caravan sites for gypsies will be repealed although local authorities would be given a discretionary power to do so. We will repeal the Secretary of State's powers to direct and designate local authorities, and to provide grants for sites.

After consideration of the responses to the consultation paper we have decided that it is not necessary to give authorities a power to seize caravans. Nor do we now propose to offer financial assistance to gypsies to move into conventional housing, although I continue to believe that gypsy families who wish to make that move should be encouraged to do so.

Finally, we will issue for public consultation shortly new draft guidance to local planning authorities. Our intention is that the draft guidance and our legislative proposals should put gypsies in the same position as other developers under the planning system; but also should ensure that the system recognises gypsies' special accommodation needs. It should enhance gypsies' confidence in the planning system, and lead to the provision of more sites suited to gypsies' requirements.

The Government believes that these changes will serve better the original objectives of the 1968 Act, to provide legal sites for gypsies and to eliminate illegal camping."

The Government recognises that these measures alone will not be sufficient to deal with all types of illegal camping. Accordingly, the Government proposes to introduce new measures
to increase police powers to deal with large scale illegal camping and cases where there is a threat to public order under the 1986 Act.

In a written reply to a Parliamentary Question from [ ], Lord Ferrers, Home Office Minister with responsibility for the police, said:

"Since the enactment of the Public Order Act 1986, there has been special provision for dealing with aggravated trespass, (that is, trespass where, either because of the sheer numbers involved or because of the behaviour of the trespassers, it is right that the police should have powers to intervene). Section 39 of the 1986 Act has worked well but the Government believes it could be made even more effective. Therefore, my Rt Hon and Learned Friend the Home Secretary proposes to apply section 39 to a wider range of circumstances, principally extending it to minor highways (including green lanes and byways open to all traffic) and reducing from 12 to 6 the number of vehicles required as one of the triggers for the powers.

The Home Secretary also proposes to take additional measures to deal with the illegal large raves which made life so miserable for so many people last summer. He proposes to provide new powers to enable the police, where they reasonably believe that ten or more people have gathered on a site and that a rave will take place with the result that a local community will suffer serious distress on account of music played during the night, to direct those people to leave. Failure to heed such a direction will be a criminal offence. In order that the police may enforce this effectively, the Home Secretary propose also to give them powers to turn back within a radius of five miles anyone they reasonably believe is intending to go to the rave site. We also propose to give the police powers to seize the amplification equipment being used for the rave and, if they arrest persons for failing to obey a direction to leave the rave site, to impound any vehicles or equipment (for example, a lorry with a generator) necessary for continuing the rave. Such vehicles and equipment would be returned to their owners on release, subject to a fee if the
persons concerned had been convicted.

These measures are unusual, but the Government believes that they are justified in the light of the serious mischief they are seeking to prevent, and that they will be welcomed by law-abiding citizens throughout the country."

[The Government intends to take forward these proposals as soon as Parliamentary time allows. Meantime the police have established a nationwide intelligence system that will enable them to deal more effectively with any large scale illegal camping and raves this Summer.]
Dear Mr. Howard,

REFORM OF CARAVAN SITES ACT 1968

Thank you for sending me a copy of your letter of 17 February to John Wakeham.

I agree that it is important that we are seen to act in a consistent manner across the spectrum of illegal camping ranging from the significant local nuisance which the proposals contained in your letter are planned to deal with to the mass raves on which I recently put proposals to EDH. I am content with the line you are now taking - including your proposal that enforcement will rest with local authorities. I am, however, not entirely clear about your proposal to impound vehicles directly involved in activities which cause damage and nuisance and to retain them until the site concerned has been cleared and restored to its original condition by the offenders. The vehicles would then be returned on payment of fees for storage. Since the offence committed relates to failure to leave a site when ordered to do so, not to any damage committed on it, I am not sure how the court would be in a position to assess whether to impose such a penalty. This is something which perhaps your officials could explore in detail with mine.

I hope that colleagues will be able to agree that our Departments should now work together to take all this forward. My officials will be ready to assist yours where that would be useful.

I am copying this letter to members of EDH, to the Prime Minister and to Sir Robin Butler.

Yours sincerely,

KENNETH CLARKE
(approved by the Home Secretary and signed in his absence)

The Rt Hon Michael Howard, QC, MP
Department of the Environment
2 Marsham Street
London SW1P 3EB
Home
Page

Gypsy Lies

1500 MANHATTAN BLVD
PM 93
The Rt Hon Michael Howard QC MP  
Secretary of State for the Environment  
2 Marsham Street  
LONDON  
SW1P 3EB

11 MAR 1993

SIR CRANLEY ONSLOW'S CARAVAN SITES (AMENDMENT) BILL

Thank you for sending me a copy of your letter of 17 February to John Wakeham. I am sure that it is right that there should be a composite approach to the related problems of illegal camping and trespass by gypsies and New Age Travellers.

I agree with your proposals about the stationing of caravans on highway land. However, the direction process will need to be speedy if it is to be effective in many cases. From our point of view the problem is that camping in a lay-by can create a hazard for the gypsies themselves and for other road users. It also follows that much will depend upon illegal campers being made aware of the consequences of failing to comply. I note that you and Kenneth Clarke expect that the majority will obey directions.

I am sending a copy of this letter to the Prime Minister, members of EDH and to Sir Robin Butler.

JOHN MACGREGOR
The Rt Hon Lord Wakeham FCA JP
The Lord Privy Seal
The Lord Privy Seal's Office
68 Whitehall
London SW1A 2AT

17 February 1993

Dear Lord Privy Seal,

You will recall I wrote to you on 25 January about Cranley Onslow's Private Members Bill and our proposals to reform the Caravan Sites Act 1968 in order to tackle illegal camping by gypsies. I have now seen the paper on New Age Travellers and ravers submitted by the Home Secretary for consideration at EDH on Thursday. My Department has been involved in the preliminary preparation of these proposals and I welcome the general approach. I believe the proposals will be warmly welcomed by our supporters in the House although it will be necessary to discuss some of the details at the EDH meeting on Thursday 18 February.

I now think that it is an urgent priority that we consider carefully whether the consultative proposals issued by my Department last August together with the proposals in the Home Secretary's paper can be effectively presented as a comprehensive Government response to the associated problems of illegal camping and mass trespass. I fully agree with the Prime Minister's suggestion that these two sets of proposals should be announced at the same time and that my proposals of 25 January needed further consideration and discussion.

The debate on the Second Reading of Cranley Onslow's Bill on 5 February evinced general support from interested backbench colleagues for the principle of tougher powers against illegal camping and demonstrated the general concern about the activities of New Age Travellers. I am concerned now about weakening our original proposals which covered all illegal campers if the effect of this course of action is that areas of illegal camping are not properly addressed by either our revised proposals directed solely against gypsies or by those contained in the Home Secretary's paper. It would appear, for example, that illegal camping on unoccupied land by non-gypsies, in all probability New Age Travellers, would fall into such a grey area, because the
amended section 39 of the Public Order Act 1986 which is proposed requires an occupier of land to make an initial complaint about trespassers.

On the other hand we need to avoid an overlap of powers which introduces uncertainty about whether it is for the police or the local authority to act in particular situations. Our proposals may in practice bite principally on small scale camping but in fact they overlap those from the Home Secretary. I see merit instead in dovetailing our proposals and remedies with those in the existing section 39 and those proposed by the Home Secretary.

I propose now to provide that where a person stations a caravan [a definition which includes vehicles designed or adapted for people to live in such as those used by New Age Travellers] for the purpose of residing for any period on highway land, or on unoccupied land, or on occupied land without the consent of the occupier, and if the local authority reasonably believes that section 39 of the Public Order Act 1986 does not apply, then the authority may direct that person to remove the caravan and any associated vehicles from the land. If he fails to comply with that direction as soon as reasonably practicable, or if, having left, he returns to the same land as a trespasser within 3 months, he commits an offence.

I further propose that where a magistrate's court, on complaint made by the local authority by whom a direction has been given, is satisfied that a caravan is stationed on land in contravention of the direction, it may make an order for the removal of the caravan, anyone in it and any associated vehicles. Such an order may authorise a local authority to take steps to secure compliance, after giving notice to the owner and occupier of the land. These proposals will not cover cases where the occupier has consented to the encampment which will continue to be dealt with under the present planning regime.

The direction procedure has the twin advantages of not criminalising trespass, thus distinguishing e.g tired holidaymakers stopping briefly with their caravans to recuperate, but of criminalising repeated trespass within three months - a problem raised in some responses to our consultation paper and by our supporters. Our proposals also complement the existing provisions in section 39 on aggravated trespass.

There may also be advantage in reading across the Home Secretary's proposal to impound as a last resort vehicles and equipment directly involved in the conduct of a rave. Illegal camping can cause great nuisance and distress when accompanied by tipping, cable burning and similar anti-social activities, but I recognise the difficulties associated with impounding caravans and similar living quarters. Our supporters may welcome the impounding of vehicles, normally not caravans, directly involved in activities which cause damage and nuisance in conjunction with illegal camping, which reflects the Home Secretary's proposals. The impounded vehicles would be returned on payment of fees for
their storage when the site concerned has been cleared and restored to its original condition by the offenders.

We, like the Home Secretary, anticipate that in practice most illegal campers will obey directions and remove their caravans and other vehicles. These provisions should not therefore result in an additional burden on the courts. Similarly we would not see the proposal to impound vehicles as creating a new financial burden. We also anticipate, as our proposals on the whole complement those where the police will issue directions, that they will not involve major calls on police resources. Our proposals leave the police to deal with encampments which raise public order issues, whilst leaving the local authority to deal with those more related to its functions - public health, planning etc.

These proposals seek to parallel and complement those put forward by the Home Secretary and I hope the Prime Minister's suggestion can now be followed up by detailed discussion between Departments. I appreciate that this will arrive too late to be discussed in detail on Thursday and I am sure colleagues will wish to reflect on our proposals. I hope that any final decisions will not be taken until both sets of proposals have been considered as a whole. Given that the proposals are complementary and ours should amount to less than ten clauses early discussions on the sponsorship and handling of legislation would be helpful. Our proposals to curtail further public provision of gypsy sites and the availability of grant for their capital costs, and to introduce new planning guidance to encourage greater private provision, stand.

I am copying this to members of EDH, the Prime Minister and Sir Robin Butler.

Yours sincerely

Penny Alls

MICHAEL HOWARD

(Approved by the Secretary of State
and signed in his absence)
The Rt Hon Michael Howard QC MP
Secretary of State for the Environment
2 Marsham Street
LONDON
SW1P 3EB

5 February 1993

Dear Michael,

SIR CRANLEY ONSLOW'S CARAVAN SITES (AMENDMENT) BILL

Thank you for sending me a copy of your letter of 25 January addressed to the Lord Privy Seal.

The consultation paper issued last year did not, of course, apply to Scotland, where the statutory position of local authorities in relation to travelling people, and the laws of trespass, are quite different. I have been consulting those with an interest in policy towards travelling people about the possible relevance to Scotland of the ideas in the consultation paper, and I will wish to be fully involved in the wider review of public order which you mention. In the meantime, there is no direct read-across to Scotland arising from the changes you propose to make in the powers and duties of local authorities, and if the question of Scotland arises in the course of debate on Cranley Onslow's Bill I hope that Tony Baldry will be able to make that clear.

I am copying this to the Prime Minister, the Lord Privy Seal and members of EDH, and to Sir Robin Butler.

Yours ever,

IAN LANG
CARAVAN SITES ACT 1968

Thank you for copying to me your letter of 25 January about Cranley Onslow’s Bill and for the outline Government statement you attached.

I appreciate that, while the immediate need is to agree a line for Friday’s debate, some broader statement on our policy reviews may be expected. In the necessarily limited time available for comment when the draft consultation paper on reforming the Act was circulated shortly before last year’s General Election, we expressed some concern about the proposals, emphasising the repercussions on social services departments of the increased homelessness which would result from the impounding of caravans. I am pleased to see, therefore, that you have decided to drop this proposal.

Since that earlier consultation there has been an opportunity to consider the proposals in greater depth and I know that our officials have corresponded to let you know of our concerns about the public health implications. While recognising the need to curb irresponsible camping and your reluctance to accept an open-ended commitment to funding sites for steadily increasing numbers, we remain concerned about the repercussions on health of over-crowded sites and frequent evictions. We think it is unrealistic to believe that many travellers will be in a position to provide their own sites and that some positive action will be needed if local authorities are, as para 7 of the draft statement envisages, “to look sympathetically at planning applications from gypsies”. We would prefer the obligation on local authorities to provide sites not to be lifted, but if it is we would at least like to see them encouraged to use the discretionary powers and reminded, as para 24(a) of the consultation paper pointed out, that this may still be an effective way of providing accommodation for those vulnerable people who might be classed as statutorily homeless.
We saw some attraction in the proposals to encourage travellers to settle in more permanent housing, and the need, canvassed in para 27 of the consultation paper, to provide relevant advice on education, health and housing. While recognising that many travellers would choose not to do so, we were disappointed to see that the possibility of offering financial help, raised in para 28 of the consultation paper, has been dropped entirely. This seemed to offer a very practical inducement, although I note your conclusion from the responses to the consultation paper that take-up would have been exceptionally low.

John Patten’s comment about the need for officials to return to the question of delivering education services applies to health and personal social services too. My basic concern is to ensure that, in solving one set of problems, we do not create others which are as, or more, serious. In particular, we must prevent making the provision of services for which I am responsible more difficult and avoid increasing the potential threat to public health - not just of these communities but of the public in general - which that would entail.

Copies of this letter go to recipients of yours.

VIRGINIA BOTTOMLEY
From: THE PRIVATE SECRETARY

HOME OFFICE
QUEEN ANNE'S GATE
LONDON SW1H 9AT
04 FEB 1993

Dear Colin,

SIR CRANLEY ONSLOW’S
CARAVAN SITES (AMENDMENT) BILL

Thank you for your letter of 3 February with which you enclosed a draft speech setting out the government’s response to Sir Cranley Onslow’s Bill to amend the Caravan Sites Act. The Home Secretary is content with the line you propose and has no comments to make.

I am copying this letter to the recipients of yours.

Yours ever

MISS LYNN HELLMUTH

Colin Lovegrove Esq
Private Secretary
Department of the Environment
2 Marsham Street
London SW1
Dear Mr McNaughton,

SIR CRANLEY ONSLOW'S CARAVAN SITES (AMENDMENT) BILL

The Secretary of State for the Environment wrote to the Lord Privy Seal on 25 January, copied to EDH colleagues, seeking to agree a Government line on illegal camping for Mr Baldry's statement for the Second Reading debate on Sir Cranley Onslow's Caravan Sites (Amendment) Bill.

We have now had responses back from most of the members of EDH and I am now able to enclose a copy of Mr Baldry's draft statement. The draft, which takes account of the Home Secretary's and the Lord Chancellor's comments, states only that the Government will further consider the issue of unlawful camping before bringing forward any proposals for tackling the issue.

I am copying this letter and the draft statement to Mark Adams and Damian Green in the Prime Minister's Office and Jenny Rowe in the Lord Chancellor's office. I would be grateful for any comments you or copyees may have on the draft statement by midday tomorrow. I apologise for the tight deadline.

Yours sincerely,

COLIN LOVEGROVE
Private Secretary

Mrs Joan McNaughton
CARAVAN SITE ACT 1968 DRAFT SPEECH BY TONY BALDRY
FIRST DRAFT

It may be helpful to the House for me to intervene at this stage to indicate the Government's approach to my Rt Hon Friend's Bill and the reform of the Caravan Sites Act more generally.

I congratulate my Rt Honourable Friend on having brought forward this Bill, the issues that it tackles are of concern not only to his constituents but also to many others.

The Government will not oppose this Bill, although clearly we should need to look closely in committee at the detail of its provisions.

The Caravan Sites Act 1968 was introduced some 25 years ago with all party support. It was a private Members' Bill introduced by the then Eric Lubbock now Lord Avebury with the support of the then Labour Government and the Conservative Benches.

The Act sought to respond to the need to provide sites for gypsies and to tackle the problem of illegal camping by gypsies.

The Act defines gypsies as ".. persons of nomadic habit of life whatever their race or origin but does not include members of an organised group of travelling showmen etc".

Therefore not all gypsies are travellers and not all travellers are gypsies.

Parliament was concerned with the people who had and have a recognisable identity in the social history of this country, of a nomadic habit of life who either resided in a particular area as their more or less permanent residence or who regularly resorted to an area during the year for a particular purpose such as those who went hop picking in Kent or who went strawberry picking in Somerset in the appropriate season.
Prior to 1968 their rights other than when moving from place to place were questionable and provision for them was negligible.

Lord Avebury's approach was straightforward. He estimated that at the time there were some 3500 gypsy families in England and Wales. In the event, that appears to have been an underestimate but it was clearly accepted as reliable at the time, both by Lord Avebury and by the Government.

The intention was that each local authority should make a fair provision of gypsy sites reflecting the number of gypsies resorting to that area. Once such provision had been made the local authority concerned could apply for 'designation'. Once designated the local authority concerned would be able to take action against unauthorised camping by gypsies in their area, which became an offence and a magistrate could on the complaint of any designated local authority, authorise that authority to take necessary steps to remove caravans.

If a local authority failed to make proper provision of sites for gypsies in their area, the Secretary of State could issue a direction to that authority requiring them to provide an appropriate number of sites.

The Act was thus said to contain 'a carrot and a stick'.

The carrot - that authorities that have made reasonable provision could become 'designated' and thus have greater power to deal with unlawful camping; and the stick - that any authority that dragged its feet could have a direction issued against them by the Secretary of State.

As would be gathered from reading the Second Reading Debate of Lord Avebury's Bill it was introduced on the basis of at least three rather important premises.
Firstly that the travelling gypsy population was unlikely to grow as more and more gypsies moved of their own accord into more settled accommodation.

Arthur Skeffington the Minister concerned said '.. with this legislation and the provision of permanent camps, the task of integration should become much easier particularly for the children of gypsies'.

Secondly, that local authorities would be keen to make suitable provision because that would enable them to achieve designation and thus more easily be able to deal with unlawful camping in their areas. And thirdly, that this exercise could all be achieved in a cost neutral way so far as local authorities were concerned in that the money they spent in providing pitches they would be able to recoup in rates and rents receipts. 'This would not constitute a new burden on the rates' said Lord Avebury 'since a great deal will be recovered in the charges made for the use of facilities'.

All these premises have proved wrong. Since 1968 the gypsy population has grown so that there are now some 13,000 gypsy caravans in England (as counted in January of last year.)

That number furthermore excludes nearly all those more commonly known as New Age Travellers who do not fall within the statutory definition set out in the Caravan Sites Act.

Despite a quarter of a century having elapsed, only 38% of local authorities in England have made sufficient provision to enable them to become designated.

Many local authorities seem to have been incapable of identifying suitable sites in their area or coming to agreement about acceptable sites or coping with local controversy over any proposed sites.
The Secretary of State has now had to issue directions to 3 local authorities, Avon, Hertfordshire and Surrey.

Indeed, so slow was the provision of sites by local authorities that the 1980 Local Government Planning and Land Act gave powers to the Secretary of State to make 100% grants to local authorities for the costs of site provision.

Thus confounding the third premise on which this legislation was bought forward, that it would not result in greater public spending. So far £56m has been spent direct by the Exchequer on funding gypsy site provision; and as a result there are now around 6,000 caravans on public gypsy sites. I can think of no comparable 100% open-ended, demand led grant made available by my Department or indeed any other Government Department.

Despite all this there are still some 4300 gypsy caravans parked illegally in England and the number is growing.

The intention behind the original Caravan Sites Act was commendable. Introducing his Bill Lord Avebury said that it would '.. help local authorities control the unauthorised use of land. It would give relief to quiet neighbourhoods and beautiful countryside which has suffered from invasions of the travelling people while at the same time it would give those travelling people a recognised place in the community'. We have no quarrel with those aspirations, they had the support of the entire House at the time. Sadly however, the Caravan Sites Act has failed to deliver as it was envisaged.

Action now needs to be taken and my Rt Hon Friend's Bill is a useful step in the right direction.

We have made clear that people who wish to adopt a nomadic existence should be free to do so, provided they live within the
law in the same way as their fellow citizens. We have no quarrel with people pursuing a nomadic lifestyle, provided that they do not expect either a privileged position under the law or an entitlement to a greater degree of support from the taxpayer than is made available to those who choose a more settled existence.

We believe that gypsies and travellers like other citizens should seek to provide their own accommodation seeking planning permission where necessary like anyone else.

Indeed, of course the vast majority of gypsies have already gone some very considerable way to making their own provision, they have almost always bought their own caravans and trailers and in these circumstances it does not seem unreasonable that more gypsies should make a provision for their pitches; fewer than 3000 gypsy caravans were accommodated on private pitches in England in January 1992 - around half the existing public provision.

Indeed organisations such as the National Gypsy Council in their response to the Government's proposals to reform the Caravan Sites Act make clear that they welcome the concept of private site initiatives for gypsies. They say that in their '.. opinion private sites are beneficial to all concerned: to gypsies because they offer them the security of a legal home and a base from which they can send their children to school, to local authorities and central government who are spared the expense of developing and managing sites, and to the local settled community by the reduction in numbers of unauthorised encampments'. Additionally they say that '.. private gypsy sites are in locations where the gypsies who will live on them will want to be, they suffer none of the problems due to incompatibility which are sometime found on local authority sites, and once private sites becomes established, families on it quickly prove themselves to be good neighbours...'. I appreciate however, that many gypsies feel that the planning system is prejudiced against them, and that when they make applications for planning
permission they feel that they are too often turned down by the local planning authorities as a result of local prejudice. I do not accept that the planning system is stocked against gypsies. I have to accept, however, that it is the gypsies' perception that it is.

I am determined to remove the suspicion and tension that frequently arises in relation to gypsy encampments. The planning system must not only be fair but be seen to be fair, for both gypsies and their neighbours. We will be issuing fresh planning guidance as soon as possible in the near future on the factors to be taken into account in determining planning applications for the establishment of gypsy sites.

We shall require local authorities to include policies for providing such sites in their development plans. We shall seek to encourage authorities to look positively and impartially at planning applications. It is important that planning committees are not swayed by local opposition based on prejudice which of course is not and must not be a planning consideration.

I trust that, as a consequence, gypsies will have the confidence to increasingly make their own provision through the planning system.

We also made clear last August our intention to adopt a fresh policy to guide the payment of Exchequer Grant to cover the capital cost of providing gypsy caravan sites such that it should cease to be payable generally.

In future when considering applications from local authorities for Exchequer Grant for the provision of gypsy caravan sites, my Rt Hon and Learned Friend the Secretary of State will take into account both this policy that grant should cease to be payable generally and all other relevant factors to which he must have regard to within the existing legislation.
By seeking to encourage the maximum number of gypsies who are not at present on local authority or private sites to seek to make their own provision we are of course hoping to substantially reduce the incidence of illegal camping.

Illegal camping by gypsies or indeed other travellers can affect the lives of whole communities, we are determined that this problem should be tackled.

Illegal camping can cover a wide range of situations from a single caravan camping unlawfully without authorisation on somebody else's land, without their permission and perhaps for a period of weeks, to a situation where a very large number of people congregate and camp on land for say a weekend as part of a rave.

Clearly, reforms of the Caravan Sites Act are not going to cover every eventuality of illegal and unlawful camping. There is clearly a distinction between the unlawful occupation of land by gypsies who wish to remain there for some time and the problem of sudden, large scale but short-term incursions by New Age Travellers.

The consultation paper issued by my Department last August set out some very clear and coherent proposals to tackle illegal camping by gypsies.

Nearly 1000 formal responses have been received to our consultation paper. I have made sure that a list of those who have responded is available in the Library of the House. Generally, there is a clear recognition of the problems inherent in the existing legislation, and an acknowledgement that there is a need to review and reform the 1968 Caravan Sites Act. Reaction to individual proposals has been varied, some of it I am bound to say has been verging on the hysterical and some respondents managed to work themselves up into a sufficient state to make their response in particularly strong language, using
expression such as 'ethnic cleansing' and seeking to draw parallels with Ceaucescu's Rumania. I do not believe that such commentators can seriously have read what we have actually proposed.

I do not believe that in a mature democratic society it is unreasonable for the Government to seek to ensure that so far as is possible, unlawful camping does not take place. That after all was the firm intention of this legislation when it was first introduced with all party support some 25 years ago. It would be surprising if in the intervening period in any part of this House, there had been any waning of the commitment to the rule of law; and to seeking to ensure so far as is possible that there should not be unauthorised use of land and that farmers, village communities, and local neighbourhoods should not be afraid of or have to experience a sudden incursion into their community of gypsies camping illegally. Such action was not acceptable in 1968, such action is not acceptable now and we are determined to take the necessary measures to ensure that communities are protected from unlawful camping.

However, given the range and number of responses we have received from local authorities, county councils, members of the public, farmers and landowners, parish councils and not least gypsies, travellers and travelling groups it must be right for us to consider those responses carefully before bringing forward detailed proposals to bear down on unlawful camping. This we will do as speedily as we can to make sure that we can bring forward the necessary legislation consistent with our manifesto commitment as soon as parliamentary time can be made available. Of course, as part of that exercise I shall listen with particular care today to the views of honourable members from all parts of the house. My Rt Honourable Friend's Bill today has provided the first opportunity for the House to debate these issues in detail since the last general election and since the publication of our consultation paper.
We are determined to take forward the objectives of the 1968 Caravan Sites Act: that of ensuring proper provision of sites for gypsies whilst at the same time bearing down on unlawful camping.
Dear Penny,

SIR CRANLEY ONSLOW’S CARAVAN SITES (AMENDMENT) BILL

The Prime Minister is aware of the proposals for responding to Sir Cranley Onslow’s Private Member’s Bill on Friday.

The Prime Minister does not believe that Friday’s debate is a suitable moment for a statement of policy and suggests instead that a holding speech is made. Furthermore, he believes that any announcement on the reform of the 1968 Caravan Sites Act by your Secretary of State should be made at the same time as the related announcement by the Home Office on the possible changes they are considering. This will allow further consideration and discussion of your Secretary of State’s proposal.

I am copying this letter to Private Secretaries to the members of EDH and to Melanie Leech (Cabinet Office).

Yours,

MARK ADAMS

Mrs Penny Allars
Department of the Environment
SIR CRANLEY ONSLOW'S CARAVAN SITES (AMENDMENT) BILL

I have seen a copy of Michael Howard's letter of 25 January, setting out his proposals for responding to Sir Cranley Onslow's Private Member's Bill, which is down for Second Reading at the end of this week. Michael has suggested that the debate will provide an opportunity to make a statement about our policy reviews in this area. He suggests that there should be a statement of his revised proposals, following the largely adverse public response to his consultation paper on the reform of the Caravan Sites Act 1968.

The revised proposals would involve a new criminal offence of illegal camping, which could only be committed by gypsies, as defined, but which could be committed anywhere in England and Wales, not, as at present, only within the areas of local authorities who have complied with their statutory obligation to provide sites. That obligation is to go, so that gypsies would be subject to stricter controls than the rest of the population, regardless of the extent to which facilities might be available for them locally.

As you know, the problem of illegal camping by gypsies is not the only problem connected with trespass which we are now considering, nor is it necessarily the most serious. I am concerned that we should not enter into a commitment to extend the criminal law in this way without being completely satisfied that it is the only possible way of dealing with a serious problem, and that it will indeed provide a solution to that problem. I fear that the result of this measure may be a succession of prosecutions of nomadic people who have no means to pay the fines imposed, nor anywhere to move on to without incurring the risk of further prosecutions. If that were to happen, the new offence could, far from solving the problem, generate a degree of ill feeling which would make the problem worse.
I have seen John Gummer's letter of January, and I share his concern that we should
demonstrate a comprehensive and carefully coordinated approach. We have not yet reached
any final conclusions about the best way of dealing with large scale invasions of open land
by New Age Travellers and Ravers, which is a closely related and in some ways over-lapping
problem. Nor have we solved the serious problems associated with the various kinds of
squatting in buildings.

I believe that we should demonstrate our co-ordinated approach by announcing our
conclusions about all these problems, and how we are going to tackle them, together, when
we are ready to do so. I am not of course suggesting that they should necessarily be presented
as a single package, nor that a common solution can solve all the problems. We should,
however, make it clear that the differences between the solutions we propose reflect real
differences between the problems, and that the solutions we propose are not out of proportion
to the problems. This is of particular importance if criminal sanctions are to be introduced to
supplement or replace civil remedies for trespass or other civil wrongs. Readiness to extend
the criminal law against one section of the community, whose lifestyle can sometimes cause
problems for others, may be misunderstood, in at least two ways. It may suggest that the
public are generally entitled to expect the use of criminal sanctions to deal with essentially
civil disputes, so that extensions of the criminal law would come to be seen as the obvious
or only solution to problems connected with trespass. That is clearly wrong, but might well
cause us difficulties by appearing to pre-empt our conclusions on other trespass related
problems.

For these reasons I am, I regret, unable to support the line which Michael Howard has
proposed. I do however welcome the opportunity which has been provided for a full debate
on the issues, which will, I hope provide a constructive contribution to our further
consideration of these areas.

I am copying this letter to the Prime Minister, other members of EDH and Sir Robin
Butler.
Dear Lord Wakeham,

SIR CRANLEY ONSLOW'S CARAVAN SITES (AMENDMENT) BILL

I am grateful to Michael Howard for sending me a copy of his letter to you of 25 January and for the enclosed outline of a Government statement for use in the Second Reading debate on Sir Cranley Onslow’s Bill on 5 February.

I have serious reservations about one part of Michael’s proposals. The outline statement suggests that the DOE’s consultation exercise on the reform of the Caravan Sites Act 1968 has been subsumed by the Home Office work on measures needed to deal with mass gatherings of New Age Travellers and ravers. This is not the case. In his letter to me of 1 July, with which he sent me a copy of his draft consultation paper on gypsy site policy and illegal camping, Michael made it clear that it was his purpose to address only the question of unlawful occupation of land by comparatively small numbers of gypsies, wishing to keep this issue separate from the problem of large scale incursions by New Age Travellers. That has remained my understanding of the position. The types of problems thrown up are very different and we have not considered the issues being dealt with by DOE at all. It would be disingenuous to suggest otherwise in the debate. I therefore suggest references to our work on ravers and New Age Travellers should be omitted from any Government statement. I hope shortly to circulate proposals on the areas we have covered to colleagues.

I am less impressed than Michael appears to be by the response to public consultation on his original proposals. I doubt whether the 1200 responses were at all representative of the views of the general public.

I am copying this letter to the Prime Minister, to other members of EDH and to Sir Robin Butler.

Yours sincerely,

Kenneth Clarke

The Rt Hon The Lord Wakeham, FCA., JP.
Lord Privy Seal
Privy Council Office
68 WHITEHALL, S.W.1.
Prime Minister

DeG Home Office are not agreed on the best approach in responding to Cranley's Private Member's Bill on Friday. DoE are attempting a bounce. Are you content with Damien's suggestion to avoid such a bounce.

2 February 1993

cc: Mrs Hogg

NEW AGE TRAVELLERS

Last summer, in the wake of many complaints about illegal camping by New Age Travellers, and the periodic gatherings of thousands of travellers for 'Raves', the Government announced a two-track approach. DoE would consult about a change in the Caravan Sites Bill which was originally intended to deal with gypsies, and the Home Office would bring forward changes to the Public Order Act.

This issue is one which greatly exercises our supporters in rural areas, and you made promises of tough action in your Party Conference speech.

Severe problems have now emerged with the DoE's proposals on how to cope with New Age Travellers. The problems divide into:

a) The weakness of the proposals themselves.

b) Their attempt to off-load decisions onto the Home Office.

c) Their attempt to bounce colleagues by using Friday's Private Member's Bill as an artificial deadline by which policy has to be decided.

THE PROPOSALS

In the consultation paper, we considered a wide range of measures. These included:

* Making it a criminal offence to park a caravan on land without the owners's consent.
* New powers for local authorities to tow illegally parked caravans away, to prevent offenders returning to the same site within two years, and to have the power to seize caravans as a last resort.

* Removing local authorities' duty to provide sites for gypsies, and curtailing various other privileges granted to gypsies in the Caravan Sites Act.

Of these, DoE now proposes to make the offence of illegal camping applicable only to gypsies. This would combine great weakness, compared to what landowners are expecting, and be a public relations disaster. On the whole, gypsies are less unpopular than New Age Travellers.

DoE proposes to drop the idea of giving authorities the last resort power to tow away. However it does proposes to remove some of the gypsy privileges. These proposals would disappoint many of our supporters, without placating those who think we should be soft on those who choose a nomadic lifestyle.

THE PROCESS

The Home Secretary has robustly, and rightly, repudiated attempts to dump part of the DoE's response onto his own review. He will bring forward his own proposals to deal with 'Raves' in a few days. So there is no chance of an all-embracing response from the Government in Friday's debate.

RECOMMENDATIONS

You have raised expectations of a tough response to these irritating problems. A announcement of a thin set of measures which do not even attempt to cope with Raves will be greeted with
little enthusiasm. I suggest you respond:

a) That Friday's debate is not a suitable moment for a statement of policy, and that a holding speech should be made by the Minister.

b) That the DOE and Home Office responses should be made at the same time, to maximise impact.

c) That DoE reconsiders its proposals. In particular they should make unauthorised camping illegal whoever does it, and they should bring in a power to tow away.

DAMIAN GREEN

009.dg
The Rt Hon David Hunt MBE MP

28th January 1993

Dear Michael,

SIR CRANLEY ONSLOW’S CARAVAN SITES (AMENDMENT) BILL

Thank you for copying to me your letter of 25 January to John Wakeham. I agree that there should be an agreed Government line for the debate on Cranley Onslow’s Bill. In view of the manifesto commitment and the continuing problems of gypsy site provision I agree that changes are necessary.

Your suggestions to seek to distinguish the gypsy issue from the question of mass trespass by New Age Travellers and ravers have my support and I am content with the proposed line which Tony Baldry will take on behalf of the Government on 5 February.

I am sending a copy of this letter to the Prime Minister, to other members of EDH, and to Sir Robin Butler.

Yours ever,

The Rt Hon Michael Howard QC MP
Secretary of State for the Environment
Department of the Environment
2 Marsham Street
LONDON SW1P 3EB
From the Minister

The Rt Hon Michael Howard QC MP
Secretary of State for the Environment
2 Marsham Street
London
SW1P 3EB

27 January 1993

SIR CRANLEY ONSLOW'S CARAVAN SITES (AMENDMENT) BILL

Thank you for copying to me your letter of 25 January to John Wakeham about the debate on 5 February arising from Cranley Onslow's Bill to amend the Caravan Sites Act 1968.

I am sure that you are right to anticipate pressure during the debate for the Government to state what action it intends to take to deal with the problems of trespass and illegal camping. The difficulties experienced by rural communities in recent years will no doubt recur unless firm and effective measures are introduced. Our manifesto commitment, and the consideration given to this issue since the election, have increased expectations for such measures to be taken soon. Although there may not be a general consensus amongst outside interests on the precise way to tackle these problems, there is no doubt whatsoever that the existing arrangements are inadequate to cope with the scale of the activities which have occurred in recent times. A package of new powers and effective enforcement is therefore needed which will deter the anti-social behaviour we have seen and provide sufficient recourse and remedies when incidents occur.

As I observed when commenting on the original draft of your consultation paper, presentational aspects are important and we need to demonstrate a comprehensive and carefully co-ordinated approach. It will be necessary in the debate to be able to explain to our supporters how the strengthening of public order powers will help and how it will relate to the action which you are now proposing. I shall therefore be very interested to see Kenneth Clarke's views on all this.

/I am copying ...
I am copying this letter to the Prime Minister, to other members of EDH and to Sir Robin Butler.

JOHN GUMMER
25 January 1993

Dear Lord Privy Seal

SIR CRANLEY ONSWO'S CARAVAN SITES (AMENDMENT) BILL

You will recall that Sir Cranley Onslow introduced a Private Member's Bill on 10 June last year to amend the Caravan Sites Act 1968.

Tony Baldry met Cranley (with Bowen Wells MP) in December to discuss his Bill, and subsequently you, the Lord President and the Chief Whip concluded that the Government would not seek to defeat the Bill if Cranley should decide to press it to a Second Reading on 5 February. Tony met Cranley and Bowen again on 13 January, and I understand that Cranley has now agreed to use his Second Reading day for a full debate on the issue of illegal camping. This will give the Government an opportunity to make a statement about our policy reviews in this area, and we will clearly be expected to say what measures we intend to introduce to deal with illegal camping by gypsies, New Age Travellers and ravers.

I think it is important that there should be an agreed Government line on these issues before 5 February.

Last August, with the agreement of EDH colleagues we issued a consultation paper "Reform of the Caravan Sites Act 1968". It proposed repealing local authorities' duty to provide further caravan sites for gypsies, substituting a discretionary power; making it a criminal offence to park a caravan on any land without the landowner's consent; new powers for local authorities to tow away illegally parked caravans, to prevent offenders from returning to the same site within 2 years after eviction, and to seize caravans as an alternative to fines in the last resort; placing gypsies on an equal footing with anyone else who needs planning permission to use or develop land; and encouraging gypsies settled on local authority gypsy caravan sites to move into permanent housing.

We have received over 1,200 responses to the consultation paper, nearly all of which are hostile to our proposals. Many of the local authorities responding to the paper have argued strongly that it would be more appropriate for the police to administer the enforcement regime proposed in the paper; and police respondents have recognised that the implementation of
our proposals would probably lead to greater calls being made on police resources to assist authorities with difficult evictions.

I recognise that there will be a cost attached to extending local authorities' enforcement powers, but I do not consider that this outweighs the case for taking firm action against illegal camping, which can entail substantial legal and clear-up costs for landowners. Nonetheless I think it is beyond doubt that the scope of the existing criminal enforcement powers against illegal camping falls properly to the Home Office, and should be considered primarily in the context of Kenneth Clarke's current review of criminal powers to deal with mass trespass by New Age Travellers and ravers.

I have re-considered carefully the proposals in our August consultation paper, in the light of the responses, and I enclose an outline of the line which I propose Tony Baldry should take on behalf of the Government in the House of Commons on 5 February. As you will see, I propose that the existing criminal offence and enforcement regime under section 10 of the Caravan Sites Act 1968, which currently applies only to gypsies camping illegally in a designated area, should be applied throughout England and Wales. I do not believe that the Government could reasonably go further than this, in the light of the response to our consultation paper. Equally, I think we could offer no less, given the views of Government supporters.

I am confident that these revised proposals will be generally well received by Government supporters. It is likely, however, that we will be pressed for assurances that the scope of the Home Office review is wide enough to embrace all the enforcement issues which remain outstanding, the majority of which will relate to the activities of New Age Travellers and ravers. I would be grateful if you could let me have your reaction to the outline by 29 January.

I am sending a copy of this letter, with the same request, to the Prime Minister, to the other members of EDH and to Sir Robin Butler.

Yours sincerely

Michael Howard

(Minister for the Cabinet Office)

[Approved by the Secretary of State and signed in his absence)
CRANLEY ONSLOW'S CARAVAN SITES (AMENDMENT) BILL

OUTLINE OF GOVERNMENT STATEMENT FOR SECOND READING DEBATE, 5 FEBRUARY 1993

1. Refer to Conservative 1992 Manifesto: "Illegal camping by gypsies or other travellers can affect the lives of whole communities. We believe that this problem must be tackled. The 1968 Caravan Sites Act will be reviewed with the aim of reducing the nuisance of illegal encampments."

2. Home Office Ministers are examining, in consultation with other Government Departments and Chief Police Officers, the public order implications of illegal camping by New Age Travellers and 'ravers'. They are considering possible changes in the civil and criminal law, including police powers under section 39 of the Public Order Act 1986, to alleviate the problems caused by mass trespass.

3. The Home Office review supersedes proposals for a new enforcement regime to deal with illegal camping set out in the consultation paper "Reform of the Caravan Sites Act 1968", issued in August 1992. (Those proposals were: to introduce a power for local authorities to evict illegal campers under warrant; to prohibit a repetition of the offence in the vicinity of the original offence for a two year period; and a penalty of seizing caravans as a last resort.)

4. Over 1,200 responses to last August's consultation paper have been received from a wide variety of groups, including local authorities, landowners, the police, health and education bodies and many members of the public. The problem (and need for review of the 1968 Act) has been acknowledged by many. But the reaction to the Government's proposals has been overwhelmingly negative. Responses evince a dearth of bright ideas for solving recognised problems, and offer no alternative to the status quo which is plainly unsatisfactory. The Government is determined to reduce illegal camping by gypsies, and has therefore decided to proceed with the following proposals.
5. First, we will legislate to extend to all authorities the criminal law powers which are at present available only to authorities which have been designated by the Secretary of State under the 1968 Act. We will extend the existing criminal offence of illegal camping to all areas of England and Wales, but it will continue to apply only to 'gypsies' as defined in the 1968 Act. The powers concerned enable authorities to move on illegally parked caravans through the magistrates' courts. The justification for extending them is the large increase in the number of gypsy caravans since 1968, which means that many designated authorities should have their designation reviewed, because many gypsies without accommodation now reside in or resort to their area. The Government considers that all authorities should have adequate powers to deal with illegal camping by gypsies.

6. Secondly, we will repeal the duty placed on local authorities to provide caravan sites for gypsies, and will substitute a discretionary power to provide sites. The justification for this is that the 1968 Act provisions assumed that gypsy accommodation was a finite problem that could be solved at no great cost to the taxpayer. In fact, it is a growing problem which represents a potentially infinite drain on public resources as more people adopt a nomadic lifestyle. In principle, it is wrong that public resources should be automatically available to support a lifestyle that often causes nuisance and commotion.

7. Thirdly, we will issue new planning guidance (a) to remove the present "saving" for gypsy caravan sites in Green Belt, but (b) to require local authorities to include in development plans policies for providing such sites, and (c) to encourage authorities to look sympathetically at planning applications from gypsies. The justification for this: people pursuing or adopting a nomadic lifestyle should engage the planning system on the same basis as everyone else.

8. Fourthly, we will repeal the Secretary of State's powers to designate and direct local authorities. It would be meaningless to retain these when we are extending eviction powers to all
authorities and repealing the duty to provide sites.

9. We will not pursue our proposal to encourage gypsies to move into housing, supported by a scheme of financial assistance. The justification for this is that it is clear from the responses to the consultation paper that the majority of gypsies would resist offers of housing, and there seems little point in exploring ways of encouraging them.

10. The Government considers that this approach represents a measured response to the problem of illegal camping. In particular, it acknowledges that New Age Travellers are a greater environmental nuisance and threat to public order than traditional gypsies/travellers, a point made by many respondents to the Government's paper.
PRIME MINISTER

NEW AGE TRAVELLERS

You asked for a note on the state of play on Government action to tackle the problems of new age travellers. The three Departments with main responsibility have all been taking action.

The Home Office, who are responsible for the public order aspects of the problem, brought together officials from different Departments, in a group chaired by Carolyn Sinclair, and as a result will circulate a paper to EDH early in the New Year. It is likely to propose a Bill covering two broad areas:

i. to make several changes to strengthen the existing law against aggravated trespass in the Public Order Act 1986. These would extend the circumstances in which this law - which has generally proved effective - will apply; and

ii. to give the police new powers to deal with - and to prevent - raves of the type seen at Castlemorton Common and elsewhere. These are a new and distressing phenomenon which, at present, are largely beyond the reach of the law.

If EDH agrees, legislation could follow quickly subject to time-tabling constraints. The Government may of course be able to announce its plans as soon as they are determined.

The Department of Environment published in August a consultation paper on the reform of the Caravan Sites Act 1968, proposing a new offence of illegally parking a caravan and greater powers for local authorities. The closing date for replies has passed and the Department are considering their response. Ministers will have an options paper by Christmas and an EDH paper will be prepared early in the New Year.
The Department for Social Security responded in the summer by tightening the rules for drawing unemployment benefit. However, up to 3 December, all claimants who had their benefit suspended were able to claim reduced payments of Income Support on the grounds of hardship. New Income Support regulations which came into force on 3 December removed entitlement to these reduced payments from single people and childless couples who do not actively seek work. Able-bodied new age travellers without children (!) can therefore have their benefits stopped in future immediately.

MARK ADAMS
16 December 1992
Dear Mark,

NEW AGE TRAVELLERS AND RAVERS

You telephoned yesterday to ask for a progress report on our work on new age travellers and ravers.

Since my last letter to you, the issues raised by new age travellers and ravers have been discussed by officials from several interested departments under the chairmanship of Carolyn Sinclair from the Home Office. We have subsequently drafted an EDH paper which has received clearance by the Minister of State, Lord Ferrers, and which is now going forward to the Home Secretary.

The EDH paper will, if the Home Secretary agrees, review the action taken so far, including the tightening of social security measures and the establishment of a new system of police intelligence sharing. It will go on to propose a Bill to legislate in two broad areas:

(i) to make several changes to strengthen the existing law against aggravated trespass contained in section 39 of the Public Order Act 1986. These would extend the circumstances in which this law - which has generally proved effective - will apply; and

(ii) to give the police new powers to deal with - and to prevent - raves of the type seen at Castlemorton Common and elsewhere. These are a new and distressing phenomenon which, at present, are largely beyond the reach of the law. Ministers here believe that that needs to change.

I expect that the paper will be circulated to EDH shortly after Christmas.

Yours sincerely

MRS S J McCARTHY

Mark Adams Esq
10 Downing Street
London SW1
Mark Adams Esq
10 Downing Street
London
SW1A 2AA

7 August 1992

Dear Mark,

NEW AGE TRAVELLERS

Thank you for your letter of 6 August 1992. Much of the progress made since my letter to you of 31 July is summarised in the attached press notice, which my Minister published today. This letter provides some additional information about the legislative and administrative changes we propose to implement, including an update on the formation of the special teams about which the Prime Minister expressed particular concern.

My Minister thought it right to not invoke the emergency procedures for making the Regulations restricting hardship payments and therefore referred the proposal to the Social Security Advisory Committee. They wish, as they are entitled to do, to consult on it: this will take some weeks. For the present, all unemployed people, including new age travellers, may continue to receive reduced rates of income support under the hardship provision, although a significant proportion of adjudication officers’ decisions made under this provision are adverse to the claimant.

In the light of the reports of a possible gathering of travellers in Hampshire this weekend, all District Offices of the Benefits Agency (BA) and the Regional/Area Offices of the Employment Services (ES) have been advised that no actions are to be taken in respect of claims for benefit which could possibly be construed by the media as easing the claims procedure; in particular, no Benefits Agency or Employment Service staff will visit the sites where travellers are gathered.

National Co-ordinators have been appointed within BA and ES to enhance liaison between the two agencies on this matter and to ensure that an appropriate level of resource is deployed. ES have prepared revised administrative arrangements for Local and Area staff to address the issue of transitory claimants, including New Age Travellers. BA have compiled a list of experienced staff who have volunteered to serve on a Task Force. Discussions are taking place between the BA and ES to
ensure the conditions of entitlement to benefits for unemployment are rigorously tested and maximum co-operation between agencies is achieved. Liaison with the Home Office has taken place to ensure that ES and BA staff receive any necessary level of protection from the police when applying the benefit regulations to travellers.

My Minister believes that the measures listed above represent the limit of what can be achieved to deal with the social security policy dimension of this problem. We will, of course, continue to monitor the operational impact of these measures as well as playing our part in helping other Departments to develop their initiatives in response to the anti-social and illegal behaviour of travellers.

A copy of this letter goes to recipients of my letter of 31 July.

Clare Mitchell
Private Secretary
NICHOLAS SCOTT ANNOUNCES TOUGHER ACTION ON PEOPLE WHO FAIL TO SEEK WORK

Many unemployed people who do not take reasonable steps to look for work could face tough new benefit penalties, said Nicholas Scott, Minister for Social Security, today.

Mr Scott said:

"Evidence shows that some people, including many so-called 'New Age Travellers', are making no real effort to find work. Their cynical abuse of taxpayers' money must be stopped.

"At present unemployed people who do not seem to be looking for work are asked to produce evidence of any steps taken to seek a job. If none is produced, a warning is issued before benefit is stopped. However, after benefit ceases, they still have access to lower-rate 'hardship' payments of Income Support. For single people these can amount to 60 per cent of their previous benefit.

"Many people who flout the actively seeking work rule are quite happy to rely on these hardship payments and show no interest in advice on how they could find work. To end this exploitation of the system, I intend to stop hardship payments for single people and couples without children unless they are taking reasonable steps to find work or their partner is in receipt of the Disability Premium.

"The necessary amendments to regulations should take effect as soon as possible. I have therefore immediately referred the draft amendments to the Social Security Advisory Committee so that the normal statutory consultation procedures may take place.

{MORE}
"In addition, it appears that many people, including New Age Travellers, are not paying any attention to the warning being given to them.

"In future, therefore, written warnings will be issued only to people who genuinely misunderstand what is expected of them and could benefit from further guidance and counselling. A written warning will not normally be issued in any other case.

"Instead, the person will be advised about the consequences of failing to meet the actively seeking work test. Benefit could be immediately suspended for anyone who has chosen to ignore the test and not taken reasonable steps to find work."

Today's announcement follows the decision to set up a special team of Benefits Agency and Employment Service staff to co-ordinate information on New Age Travellers and make sure that their claims are judged on the same basis as claimants who regularly use one office.

NOTES FOR EDITORS


2 The Social Security Advisory Committee (SSAC) is the major UK advisory body responsible for advising the Secretary of State for Social Security on all social security matters except those relating to industrial injuries, war pensioners and occupational pensions. Most social security regulations have to be submitted to SSAC before they are made.

(ENDS)
6 August 1992

Dear Alan,

GYPSY SITES POLICY AND ILLEGAL CAMPING

The Prime Minister saw the draft of your Secretary of State's consultation paper on the reform of the Caravan Sites Act 1968, which you sent under cover of your letter of 3 August to me.

The Prime Minister welcomes the proposal set out in the paper. He is aware that the proposals are unlikely to assist greatly in the problem of dealing with large-scale gatherings of New Age Travellers, and would like that to be clear when the paper is published.

I am copying this letter to the Private Secretaries to members of EDH and to Sonia Phippard (Cabinet Office).

Yours,

MARK ADAMS

Alan Riddell, Esq.,
Department of the Environment.
6 August 1992

Dear Clare,

NEW AGE TRAVELLERS

The Prime Minister saw your letter of 31 July to me, together with a report from me on the proposals you mentioned to me when we spoke yesterday.

The Prime Minister was most impressed by the speed with which officials in the Department of Social Security, the Department of Employment, Benefits Agency and Employment Service have responded. He is keen to see progress on your proposals and would like them publicised as soon as possible. He made one small point with respect to your proposals for mobile teams to process the benefit claims of travellers, namely that they should not be seen to pay out the benefit, as this would be criticised as an allocation of extra resources to help the travellers. Instead, they must be seen as a resource to ensure that benefit regulations are applied rigorously to travellers.

In the light of reports that travellers may be gathering again this weekend in Hampshire, there are advantages in publicising the benefit changes tomorrow, rather than on Monday. I should be grateful if you could keep me informed of progress.

I am copying this letter to the recipients of yours.

Yours,

MARK ADAMS

Ms. Clare Mitchell,
Department of Social Security.
PRIME MINISTER
NEW AGE TRAVELLERS AND GYPSIES

This note reports on events involving the recent invasion of new age travellers at Newtown, Powys, and on the response the Government is taking. It also summarises a consultation document which the DOE proposed to publish on the reform of the Caravan Site Act 1968, which has been sent for your approval. It is based on discussions with Jonathan Hill and Damien Green.

Invasion by new age travellers
We have gathered two short notes, one from the Home Office (flag A) and the other from the DSS (flag B), reporting on the incident. It appears that events unfolded as follows:

(i) when the invasion started on Thursday 23 July, police did not attempt to stop the build-up of travellers at the site, believing this would simply divert the problem elsewhere, but they did take action to prevent sound systems reaching the site;

(ii) on Sunday 26 July, when a large new group of travellers were expected, the police did begin to turn vehicles back;

(iii) on Monday, the police served a notice asking the travellers to leave on behalf of the landowner. It was followed on the Tuesday by a direction from the police asking the travellers to leave using their powers to act against "aggravated trespass";

(iv) at the request of the police, the DSS made arrangements for benefit claims to be dealt with at the site and expedited to encourage the travellers to leave. DSS were happy to oblige to avoid an unwelcome invasion of their small office in the area.

Most of the police action was on the basis of their discretionary powers. They are open to criticism for not using their discretion sooner, although it is not possible for the Government
to interfere with the exercise of these powers. Home Office are looking at a range of issues to improve matters, such as the possibility of the Home Secretary issuing general guidelines to police on how to interpret their powers in such circumstances. The Home Office are not responding with appropriate speed, promising simply that "officials hope to report substantively to the Home Secretary by the end of September".

By contrast, DSS are acting with admirable speed. Officials from the Benefits Agency and the Employment Service met on Monday to discuss action, following a robust statement issued by Nicholas Scott last Saturday promising tough action. Suggestions to emerge are as follows:

(i) that new guidelines be issued to staff encouraging them to suspend benefits pending investigation if they suspect individuals are not taking the actively seeking work requirement seriously. This is aimed to prevent the manipulation of the requirements by new age travellers. New guidelines will be issued today;

(ii) hardship payments, payable to individuals ineligible for other benefits, will be stopped if the hardship is self-inflicted, unless the claimant is disabled or has dependent children. This will prevent new age travellers claiming they are experiencing hardship, when they clearly only have themselves to blame. Such a change requires a statutory instrument and must be considered by the Social Security Advisory Committee who are meeting today. The Committee are entitled to require consultation on the proposal, in which case, it will be delayed until October. If they agree it without consultation, it can be laid on Friday, to come into force three weeks later;

(iii) the Benefits Agency and Employment Service propose to set up a mobile team who will follow the travellers around the country and deal with their claims. This will prevent the problem of staff in normally quiet benefit offices being overwhelmed by large groups of
pushy travellers.

These proposals may not resolve all the benefit-related problems, but they are likely to make a substantial difference and are an excellent response at such short notice. Mr. Scott hopes to make an announcement later this week. It will obviously be useful if the Government is in a position to make further announcements and I am putting as much pressure as possible on the Home Office to come up with something concrete sooner than they intend.

Reform of the Caravan Site Act 1968
One initiative that can be flagged up in any announcement this week is the publication of the consultative document on the reform of the Caravan Site Act. Mr. Howard would like to publish this in the second half of August. The draft is at flag C. The consultation document is much better than the version which you saw before the General Election, which was drafted by the Home Office. As before, it is mainly aimed at the problem of gypsies and small groups of travellers, rather than large scale invasions. The problem of gypsies and travellers causes widespread aggravation particularly in rural areas and many Government supporters are expecting action.

The aim is to reform the current position whereby:

(i) local authority powers to tackle gypsies are contingent on them being "designated", a status they achieve by providing a sufficient number of caravan sites for gypsies. Local authorities receive a 100% grant to fund such sites;

(ii) other powers available to local authorities or the police, such as under the Environmental Protection Act 1990 and under the Public Order Act 1986 are limited;

(iii) civil remedies available to landowners are expensive and cumbersome.

The proposals will offer a more straightforward and speedy response to the remedy:
(i) it will become a **criminal** offence to station a caravan without consent;

(ii) magistrates may issue warrants authorising the removal of caravans, at the request of the local or highway authority;

(iii) magistrates can grant orders prohibiting the return of offenders to specified sites.

The document suggests tough enforcement of these proposals, including the impounding of caravans as a last resort. The background also proposes repeal of the provisions in the 1968 Act placing a duty on local authorities to provide sites (and ending the provision of grants for such sites) and encouraging gypsies to move to permanent housing, possibly through financial incentives. The public expenditure implications could be made broadly neutral.

The proposals will certainly be seen as tough on conventional gypsies and travellers and will be welcomed by Government supporters. By making trespass involving caravans a criminal offence, it does give powers to police to act earlier against any invasion of new age travellers, but it must be recognised not to be an adequate response to that. This will need to be made clear when the document is published, together with a statement on the Government's firm intention to act against large gatherings.

**Summary**

(i) content for me to press for a robust response from the Home Office, as well as from DSS, to the problem of large invasions of new age travellers?

(ii) content to approve publication of the consultation document on the Caravan Sites Act?

MARK ADAMS

5 August 1992

C:\h\new (pmg)
NEW AGE TRAVELLERS

Thank you for your letter of 4 August asking for further information about the recent gathering of new age travellers at Newtown, Powys and on our proposals for action.

Powys

You ask why the police did not adopt a turn-back policy prior until Sunday 26 July, using their common law powers to prevent a breach of the peace. As I explained in my letter of 3 August, the police had not until then been able to establish who owned the land on which the travellers started to gather. The police did not know, therefore, whether or not the travellers were arriving against the wishes of the landowner. (Some landowners do invite travellers to reside on their land for given periods during the summer months.)

However, by 26 July the site was full of travellers and the police had intelligence that thousands of "ravers" - people normally resident in towns and cities who join groups of travellers for all-night "raves" involving loud music and flashing light effects - might try to join the occupation. The police felt, at that stage, that there was good reason to believe that a breach of the peace was likely to occur. They therefore used their common law powers to turn back vehicles so as to prevent such a breach of the peace occurring.

The policing of any incident is entirely an operational matter for the chief officer of police concerned. By virtue of the Police Act 1964, chief officers are wholly responsible for policing within their areas and Ministers have no power to intervene. The Home Office can issue guidance to chief officers on the exercise of their powers - as we did in May 1991 in the case of section 39 of the Public Order 1986 - but it is entirely a matter for chief officers whether or not to follow such guidelines.

Mark Adams Esq
Private Secretary
10 Downing Street
London SW1
We have not issued any guidance on the use of common law powers in respect of breach of the peace; nor do we believe that doing so would achieve anything worthwhile. The use of turn-back powers is very controversial and there was considerable criticism of police action to turn back striking miners during the course of the last dispute, though such action was, of course, held to be lawful. It must be for the professional judgement of the police to decide when to use these powers in dealing with any particular incident.

You also ask why the police did not use their powers under section 39 of the Public Order Act 1986 to direct travellers to leave the land until Tuesday 28 July. Before the police can consider whether or not to use the powers provided under section 39, they must be satisfied that the occupier has taken reasonable steps to ask the travellers to leave. Mr Pugh, the landowner, did not do this until Monday 27 July when he asked the police to serve notice, on his behalf, to the travellers to leave. The police did this immediately and took action under section 39 the day after having thus given reasonable notice as statutorily required. They therefore acted as swiftly as they could in accordance with the powers provided by law; to have moved earlier under section 39 would have been ultra vires.

Future action

I think you may have misunderstood my letter of 3 August. Far from there being no action until the Home Secretary has considered a report at the end of September, we are currently vigorously pursuing various options to improve the situation. These options cannot, however, be implemented simply by changing departmental procedure. They require consultation with other Government Departments, the Association of Chief Police Officers (ACPO) and, probably, changes to the law.

The proposals from the reports mentioned in my letter of 3 August fall into two broad categories:

i. amendments to section 39 of the Public Order Act 1986. We are looking in particular at extending section 39 to include highways and byways in order to resolve particular problems with its application in Hampshire, and at clarifying section 39's application to common land, which might have made action at Castlemorton easier. Other proposals in respect of section 39 include consideration of reducing the number of vehicles required to trigger it and easier service of notices to leave;

ii. increased police powers to close roads in order to prevent public disorder.
There are also several suggestions for speeding up civil procedures which we are drawing to the attention of the Lord Chancellor's Department.

In addition, we are pursuing the possibility of creating new offences in respect of powerful sound systems in order to try to prevent raves taking place. We are also considering various suggestion for a limited form of criminal trespass.

**Timetable**

Home Office Officials are currently working up proposals for legislative change. These will be discussed with officials of other government departments at a meeting probably in the week beginning 17 August. Home Office officials will then report to Lord Ferrers who will circulate a paper to junior ministerial colleagues, probably by the end of August. Lord Ferrers will consider responses to this and, in the light of them and of a meeting of officials with ACPO in mid-September, invite the Home Secretary to seek EDH approval for any proposed legislative changes. We should then, of course, need to bid for Parliamentary time to take forward any agreed legislation.

I hope that this is useful in providing some feel for the work which is in progress to deal with this vexed question. Our line should, I think, be robust in saying that Ministers are considering actively how to make life much more difficult for travellers and ravers. The timescale for consideration within the Home Office is brief, but implementation would depend upon the usual constraints of Parliamentary time. Nonetheless, it would be misleading to suggest that new police powers could end overnight the problems associated with these gatherings - there are logistical as well as legal difficulties in dealing with large numbers of people - but we are confident that the proposals we are working up will go a good way to improving matters.

\[signature\]

MRS S McCARTHY
I am writing to confirm my request for some further items of information following your helpful letter of 3 August.

You said that the police did not take any action to prevent accommodation of the land until they adopted a turn-back policy on 26 July, using their common law powers to prevent a breach of the peace. Was it not possible for them to use such powers at a much earlier stage? These may be questions which are left to the discretion of the police. Does the Home Secretary have powers to issue guidelines to the police about the use of their powers in such cases? If so, is this an idea which might be profitable for us to pursue? Similarly, why did the police not use their powers under s.39 of the Public Order Act 1986 until the Tuesday?

I was disappointed to hear that no action is likely until the Home Secretary has considered a full report which he is not likely to receive until the end of September. Is there no action which could be taken much more quickly than that, in advance of a full consideration of the possibilities? For example, you already are considering the proposals from the Chief Constable of West Mercia, from the National Farmers' Union and from the Working Group in Dyfed, Powys. It would be helpful to have a flavour of these suggestions, together with an outline of whether the proposals look promising and how long action would take. Finally, it would be helpful if we could take a robust line on the incidents by referring to our firm intention to take action to prevent such incidents happening next summer, even if there is not sufficient time to stop it this summer.

It would be extremely helpful if as much of this supplementary information as possible could reach me by close tomorrow.

MARK ADAMS

Mrs Suzanne McCarthy
Home Office
POLICY IN CONFIDENCE

Mark Adams Esq
PS/Prime Minister
10 Downing Street
London SW1

3 August 1992

Dear Mark,

GYPSY SITES POLICY, AND ILLEGAL CAMPING

I enclose a copy of a proposed public consultation paper about this, which takes forward the undertaking in the Conservative Manifesto. The draft has been cleared with colleagues on EDH Committee.

My Secretary of State would like this paper to issue for public comment early in the second half of August. He is asking George Young to handle the launch. He sees advantage in publication ahead of the 31 August Bank Holiday. There is already some disappointment among Government supporters that the paper did not appear before the summer recess, and expectation is high that firm measures will be introduced to tackle illegal camping.

My Secretary of State considers that the proposed remedies in the draft paper should deal effectively with the unlawful occupation of land by comparatively small numbers of gypsies and other traditional types of traveller. The proposals will be less effective where substantial numbers of so-called New Age Travellers invade a particular locality. In those unusual circumstances the only sensible response would seem to be vigilant policing and action as appropriate under Public Order legislation. Reform of the Caravan Sites Act 1968 cannot address large-scale trespass on land. I understand that the Home Office are looking at section 39 of the Public Order Act 1986 to see if it can be improved.

I should be grateful if you could confirm, by 10 August if possible, that the Prime Minister is content for this public consultation paper to issue during the third week in August?

Yours,

ALAN RIDDELL
Private Secretary
DRAFT CONSULTATION PAPER

REFORM OF THE CARAVAN SITES ACT 1968

1. The Conservative Manifesto 1992 noted that illegal camping by gypsies and other travellers could affect the lives of whole communities. It contained an undertaking to review the Caravan Sites Act 1968 with the aim of reducing the nuisance of illegal encampments. This consultation paper invites views on the Government's proposals for reform.

Purpose of the 1968 Act

2. In 1966 the then Minister of Housing commented that "... the remarkable fact (is) that for most traveller families there is nowhere they can put their homes; they are within the law only when moving along the road ...". In 1965, there were estimated to be some 3,400 gypsy families (or about 4,750 caravans) in England and Wales, only a tiny fraction of whom were on authorised sites.

3. In order to meet the needs of these travellers Parliament passed the Caravan Sites Act in 1968. This Act places on local authorities (County, Metropolitan District and London Borough Councils) a duty to accommodate all those whom the Act defined as "persons of nomadic habit of life, whatever their race or origin" and who were "residing in or resorting to their area".
4. To ensure there would be enough pitches not only for the travellers belonging to the area, but for those who travelled through it from time to time, the Act provided for "the establishment of... (caravan) sites by local authorities for the use of gypsies and other persons of nomadic habit and (to) control in certain areas the unauthorised occupation of land by such persons".

5. Once a local authority was deemed to have provided sufficient pitches it could apply to become "designated" by the Secretary of State. The effect of designation is that it becomes a criminal offence for any gypsy to station a caravan for the purpose of residing within the designated area for any period on any land situated within the boundaries of a highway, or any other unoccupied land, or any occupied land without the consent of the landowner or tenant.

6. In this way it was intended that there should be sufficient provision of pitches for all travellers across the country, and that each local authority and area would accept a fair share of travellers. The intention was "... with this legislation and the provision of permanent camps the task of integration should become much easier...".

Need for Reform

7. Eric Lubbock, the then MP who introduced the Caravan Sites Bill, expected that it would "... help local authorities control the unauthorised use of land. It would give relief to quiet
neighbourhoods and beautiful countryside which has suffered from invasions of the travelling people while at the same time it would give those travelling people a recognised place in the community...

8. **The problem has grown faster than its remedy.** Whereas in 1965 there were thought to be some 3,400 gypsy caravans, in January 1992 local authorities counted nearly 13,500 such caravans (an estimated 9,900 families) in England and Wales. Of these, over 4,500 were on unauthorised sites, only 1% fewer than in 1981. Only 38% of English local authorities have achieved designation in the 24 years that have elapsed since the Caravan Sites Act - despite the fact that since 1978 a 100% grant has been available to meet the capital costs of gypsy sites, which so far has cost the Exchequer some £56 million.

9. **There are now nearly 9,000 gypsy caravans on authorised sites in England and Wales. But site provision is not keeping pace with the growth in the number of caravans,** and the Government considers there is no reason why this need should automatically be met by public provision, nor any reason why gypsies - once settled - should remain on public sites indefinitely. The 1968 Act was intended to provide a network of sites to enable gypsies to move around or settle but in practice many gypsies have settled on permanent sites and 90% of local authority pitches in England are used for residential as opposed to transit purposes.

10. **At the time of the introduction of the Caravan Sites Act,** it was observed that "... gypsies no longer follow the traditional
occupations of many years ago such as horse dealing, handicrafts and fortune telling ... more than half of them deal in scrap metal and particularly in car breaking ...". In addition, many gypsies used to be regularly employed as temporary labour for farmers, who were content to let them camp on their land during, for example, the fruit-picking season.

11. Today, whilst the mechanisation of agriculture has lessened the scope for travellers to carry out fruit picking and other related activities, many travellers still earn a living from activities which require little start-up investment and can be pursued outdoors such as scrap metal dealing. There is less need to move from place to place, although conversely motor vehicles have enhanced travellers' mobility in comparison with the days of the horse-drawn van. So, while some traveller families retain a yearning to travel the open road, many have settled on permanent sites and a few have moved into permanent housing.

12. The situation has become more complex in recent years with the emergence of more groups who do not wish to use sites that are provided, may travel in large numbers, may not be nomadic, and for whom the 1968 Act provisions may not have been designed. These may include some of the group colloquially known as New Age Travellers as well as the highly mobile families (identified in a 1965 gypsy study by the Ministry of Housing) who travel widely earning their living by laying tarmacadam. The Government considers that for the 1990s a fresh policy is needed which recognises the considerably greater number of travellers and the lessons which have been learned over the last 25 years.
The Problem

13. Camping causes particular concern when travellers

(a) camp unlawfully\(^1\) on someone else’s land without their permission, which is illegal\(^2\) and an offence in designated areas (see paragraph 5 above); or

(b) camp on someone else’s land with their permission but unlawfully because in breach of planning controls; or

(c) camp and commit an offence, for example aggravated trespass or persistent nuisance.

14. A number of powers are available to deal with illegal and unlawful camping. Their effectiveness and use vary. Where camping involves an offence the 1968 Act (paragraph 15), the Public Order Act 1986 (paragraph 16) and the Environmental Protection Act 1990 (paragraph 19) will be relevant. Where the camping is unlawful under civil law (paragraph 17) the Planning and Compensation Act 1991 (paragraph 18) will be appropriate. The Government’s proposals (paragraph 20) would make some unlawful camping illegal in future, but no change is proposed in respect of breaches of planning controls.

\(^1\)(ie without authorisation and remediable under civil law)

\(^2\)(ie an offence usually covered by criminal law)
The Caravan Sites Act 1968

15. As explained above (paragraph 5), this Act enables the Secretary of State to designate local authorities who have made adequate provision for sites in their area or which he considers need not do so. An authority which is designated has access to fast acting powers enabling a Magistrates' Court to order the removal of unlawfully parked caravans and their occupants from highway land, unoccupied land or occupied land with the consent of the owner. However, these powers are limited because:

(a) they are only available against gypsies, defined in the Caravan Sites Act as "persons of nomadic habit of life, whatever their race or origin";

(b) they are not available where the landlord or tenant consents to the illegal encampment even though intolerable nuisance may be caused to the surrounding community; and

(c) by definition, they are not available to the 62% of local authorities which are not yet designated.

The Public Order Act 1986

16. Section 39 of the 1986 Act enables the Police to act where aggravated trespass on land occurs. The effectiveness of these
powers may be limited because:

(a) they are only available where aggravated trespass has occurred [and are used at the discretion of the senior police officer];

(b) trespass may be on unoccupied or highway land not covered by Section 39 of the Act; and

(c) it is a criminal offence to return to the same land as a trespasser but only for three months after a direction to leave the site has been given by the senior police officer present when aggravated trespass occurred.

Civil remedies

17. A landowner whose land is not in a designated area and who is aggrieved by unlawful camping can only seek redress by initiating a civil action at his own expense. Landowners can apply to the court for an order of possession if they believe their property is unlawfully occupied, and special procedures are available through both the High Court and the county court to assist landowners in obtaining relief as quickly as possible. But many landowners may find that these procedures consume time and money and, if the campers return later or simply camp again nearby, they may be ineffective.
Powers Against Breaches of Planning Controls

18. If there is unauthorised use of private land as a residential caravan site, the local planning authority may take planning enforcement action to remedy the breach of planning control either against gypsies who own or lease the land or against the landowner who has permitted the unauthorised use. The Planning and Compensation Act 1991 has provided greatly strengthened planning enforcement powers to remedy any breach of planning control. In particular, improved "stop notice" provisions now enable the local planning authority for the first time to prohibit the use of land as a residential caravan site, if necessary immediately. And there is provision for a new type of injunction to be sought against any actual or apprehended breach of control, even where the identity of the person allegedly responsible for the breach is unknown. It will be some time before the overall effect of these improvements can be properly assessed.

The Environmental Protection Act 1990

19. Where a landowner is absent, or unknown, or allows the use of his land by travellers, but neighbours object on the ground that the camping creates a nuisance which requires immediate remedy, there should be scope for action under the Environmental Protection Act 1990. It is for the local environmental health officer to decide whether a particular activity amounts to a statutory nuisance under the 1990 Act, and whether to serve a notice on the person who causes the nuisance requiring remedial
action, for example the cessation of noise or clearing up accumulations of rubbish. Breach of such a notice is an offence, incurring a fine.

The Government's Proposals to Tackle Illegal Camping

20. Unlawful or illegal campers who invade land may cause much damage and distress to the landowner (or an occupier such as a tenant farmer) and/or to local people. The Government considers that the existing powers described above provide insufficient means to respond effectively and speedily to occupation of land. A straightforward and speedy remedy is needed. Accordingly, it is proposed that:

(i) it should be a criminal offence for any person to station a caravan for the purpose of residing for any period within England and Wales on any land situated within the boundaries of a highway, or any other unoccupied [or common] land, or any occupied land without the consent of the occupier. (Where camping is with consent, but unlawful because in breach of planning controls, the law has recently been strengthened (see paragraph 18 above) and the maximum penalty for failing to comply with a stop notice is now £20,000);

(ii) a magistrate may, under expedited procedures on the complaint of the local or highway authority, issue a warrant (subject to reasonable safeguards and perhaps on a similar basis to the procedures for search
warrants) authorising that authority and its bailiffs and/or officers to take such steps as may be specified in the warrant for the removal from land of caravans stationed in contravention of (i) above;

iii) a magistrates’ court may, on the complaint of the local or highway authority, by order prohibit offenders from returning for the purpose of stationing a caravan to within one (or more) mile(s) of any site from which they have been evicted for a period of two years.

21. Plainly it is important to ensure effective use of the proposed enhanced powers set out in paragraph 20 above. The penalty for obstructing or resisting eviction under warrant or for failing to comply with the terms of a prohibition order would be a fine. But it must be recognised that fine enforcement action by the courts against a moving population is very difficult and the last resort – imprisonment – may be reached in a high proportion of cases. An alternative form of enforcement would be to seize the caravan; such action would also prevent the offence being repeated and would be comparable with the impounding of vehicles which are parked illegally or cause an obstruction. The Government invites views on whether local and highway authorities should be empowered by magistrates’ courts to use the authority’s bailiffs or officers to seize caravans whose removal was obstructed or resisted, or which returned in breach of a prohibition order, or whose owners had failed to pay a fine or fines. Clearly such action could only be contemplated
as a last resort when the law was being flouted and if it were feasible and operationally practicable. The seized caravans would be returned when any outstanding fine(s) had been paid, and/or the offender(s) satisfied the court that he (they) either had a legal place to camp or alternative accommodation, and/or at the court's discretion.

Accommodation for Gypsies and Other Travellers

22. The number of caravans on private gypsy sites in England and Wales has increased by 114% from 1,400 in 1981 to nearly 3,000; while caravans on local authority sites have gone up 56% from about 3,800 to nearly 6,000 over the same period. At present, 100% grant is available towards the capital costs, including refurbishment, of local authority sites, but no assistance is given for day-to-day running costs.

23. People who wish to adopt a nomadic existence should be free to do so, provided they live within the law in the same way as their fellow-citizens. This choice should not, however, entail a privileged position under the law or an entitlement to a greater degree of support from the taxpayer than is made available to those who choose a more settled existence. Travellers, like other citizens, should seek to provide their own accommodation, seeking planning permission where necessary like anyone else.
Repeal of 1968 Act duties

24. Accordingly, the Government proposes that the demand for local authority sites should be lessened by

a. repealing the 1968 Act provisions which put a duty on local authorities to provide sites. Instead, local authorities would be given a discretionary power to provide sites where they believe this is the appropriate course to take. Caravan sites may be the most effective way of securing accommodation for travellers whom an authority accepts as statutorily homeless under Part III of the Housing Act 1985;

b. repealing the Secretary of State's powers to designate and to direct local authorities; and

c. encouraging gypsies who have settled in an area to move from caravan sites into both private and public sector housing.

The Government expects existing caravan sites to continue in being not least because, where grant has been paid towards the capital costs of a site, local authorities would have both to repay grant if the site closes and to provide alternative accommodation for any people from the site whom they accept as statutorily homeless.
Exchequer grant

25. The Government proposes that the 100% grant for the capital costs of sites (which has cost the Exchequer over £56 million since it became available in July 1978) should cease to be payable from 1994/95.

Encouragement towards Settlement and permanent Housing

26. There is evidence that some gypsy and travelling families who have historically been travellers now prefer a more settled existence. As indicated in paragraph 12 above, gypsies have become progressively more settled, but people who have been nomadic may find transfer into traditional housing difficult. It may only be achieved by a transitional process - from temporary site, to permanent site, and then to carefully selected housing - over a period of years. Some caravan sites have experienced management problems; too hasty a transition into housing could result in those problems being transferred as well.

27. Moreover, proposals for official gypsy sites, whether provided by local authorities or by the private sector, often encounter opposition because of local communities' experience of illegal camping. This means that gypsies may not find it easy to provide sites for themselves and, if they do manage to find a site, the process of settling down and possibly transferring into traditional housing may not be easy for people who are accustomed to a nomadic life-style. Accordingly, the Government believes that it may be necessary to provide advice on education,
health and housing which encourages gypsies and other travellers to settle and, in time, to transfer into traditional housing. It may also be necessary to inform public opinion about the advantages of permitting official sites and encouraging gypsies to settle so that they become integrated into the community.

28. The Government is also considering whether it might be feasible to introduce a limited form of financial assistance towards the purchase of permanent housing for gypsies and travellers who vacate pitches on publicly-owned caravan sites, similar to the scheme for council tenants who wish to purchase a private property. To facilitate educational opportunities for traveller children, priority for vacancies then arising on existing public authorised sites might be given to travellers with children of compulsory school age.

Planning Policy

29. Gypsies enjoy a privileged position in the planning system, in that Government advice (DOE Circular 28/77 (Welsh Office 51/77) and DOE Circular 57/78 (Welsh Office 97/78)) recognises that in some circumstances it may be appropriate to countenance gypsy sites in the Green Belts, where normally the most restrictive regime applies. Since the Government proposes to remove local authorities' obligation to provide gypsy sites at public expense, it considers that the planning system should apply to gypsies on the same terms as anyone else. It proposes to up-date the relevant planning guidance to local authorities, to reflect the reform proposals that emerge from this
consultation. Unlike gypsies, travelling showpeople do not enjoy a privileged position in the planning system and are subject to the same controls as other small businesses and self-employed people. Advice to local authorities about planning considerations relating to travelling showpeople is given in Circular 22/91.

Conclusions

30. The Government recognises that the proposals in this consultation paper represent a significant shift of policy. The changes proposed are justified, in the Government's view, because the present arrangements are satisfactory neither for local authorities, for local communities, for landowners, nor for gypsies and travellers. The public resents the unlawful or illegal occupation of land however it arises; and the 1968 Act duty to provide caravan sites is too loosely defined and has become an open-ended commitment, and a relentless drain on taxpayers' funds, undermining gypsies' responsibility to provide for themselves.

31. Accordingly, the Government believes that the proposals in this paper are a better way forward. They offer:

* swifter action to deal with illegal camping by those who persist in flouting the law;
encouragement to all travellers to provide their own sites;

more places on existing sites as some families move into permanent housing;

and improved access to educational opportunities for travellers and their children.

32. The Government invites views on the proposals for reform set out in this paper. Responses should be sent to the Department of the Environment or the Welsh Office, as appropriate, by the date specified in the covering letter. Those Departments will ensure that comments are passed on, where necessary, to other Departments (for example the Home Office, Lord Chancellor’s Department) which have responsibilities relevant to this topic.”

Department of the Environment
July 1992

Welsh Office
NEW AGE TRAVELLERS

I am writing, as requested, to offer an update on the recent gathering of new age travellers at Newtown, Powys, and to advise as to the state of play in considering proposals for improving the legislation and powers available to the police to control the activities of travellers and "ravers".

Build up of travellers

Dyfed Powys Police and the neighbouring forces had been aware for some weeks that a festival was likely to take place in the area, but not of its precise location. Dyfed Powys Police had an agreement with the surrounding forces that a turn back policy would not be adopted on force boundaries as this would simply displace the problem from one backyard into the next.

On Thursday 23 July a few travellers arrived on Mr Pugh's land at Kerry, near Newtown. Over the next few days travellers continued to arrive. The police estimate that, at the peak on Sunday, there were 5-7,000 people on the land.

Police action

The police did not consider that they had powers to prevent the occupation of the land, which was a matter of civil trespass. However, the police tell us that they did check the vehicles entering the site for sound equipment systems which they would have seized under common law powers for the prevention of a public nuisance. In the event there was only a small sound system in the convoy and this was seized when the vehicles were leaving using powers under PACE to take the equipment for evidential purposes.

There were 112 arrests over the weekend mainly for drugs offences (66) and theft. There was no major crime or serious public disorder.

On Sunday 26 July the police had intelligence that "ravers" from a party at Castle Donington might try to join the encampment. At that stage the site was full and the police adopted a turn back policy using their common law powers to prevent a breach of the peace.

Mark Adams Esq
Private Secretary
10 Downing Street
LONDON SW1

/cont
Action to clear the land

On Monday 27 July the police served a notice on behalf of Mr Pugh, the landowner, requesting the travellers to leave the land. Mr Pugh had not taken earlier action because, the police advise us, he had not at first been sure that the land was his; nor had he realised the likely scale of the occupation.

On Tuesday the police issued a direction to the travellers to leave the land using their powers under section 39 of the Public Order Act 1986. This gives the police a discretionary power to act against trespassers where the landowner has taken steps to ask the trespassers to leave the land and where there are aggravating circumstances such as damage to the land or where the trespassers bring 12 or more vehicles on to the land.

Some of the travellers left but others said they could not do so until they had received their social security payments in order to pay for diesel and food. The police arranged with the local DSS officers for claims to be processed expeditiously. By the afternoon of Thursday 30 July the site had been cleared. It seems that the site was cleared up by the travellers before they left, though damage had inevitably been done.

What more can be done to tackle this problem?

We are actively considering what more might be done to tackle the problems presented by mass incursions. We are studying proposals put forward, amongst others, by Mr Blakey, chief constable of West Mercia Constabulary, following events at Castlemorton Common, by the National Farmers' Union and by a multi-agency working group in Dyfed Powys.

Timetable for action

Home Office officials will be meeting colleagues in other government departments soon to consider an agenda of possible reforms. Lord Ferrers then intends to circulate a paper to junior Ministers setting out what might be done. In the light of reactions to this, and further discussions with the Association of Police Officers (ACPO), officials hope to report substantively to the Home Secretary by the end of September. Should he decide to take forward proposals for change, EDH will be invited to consider shortly thereafter.

Yours,

MRS S McCARTHY
From the Minister

The Rt Hon Michael Howard QC MP
Secretary of State for the Environment
Department of the Environment
2 Marsham Street
London
SW1P 3EB

August 1992

Gypsy Site Policy and Illegal Camping

Thank you for your further letter of 24 July concerning points I made about the draft consultation paper on gypsy site policy.

I still have reservations about issuing the paper shortly before a period when problems might occur if large groups of travellers or revellers descend unexpectedly on land against occupiers’ wishes, especially as the remedies proposed are not designed to deal with these kinds of incidents. However, I do understand the need to make our intentions clear soon. I hope that vigilance and, if necessary, swift reactions will limit any problems for landowners and farmers around this time.

Given the scope of the proposals, it will be important to indicate to landowners’ and farmers’ representatives that the Government does recognise that there is a range of situations which can give rise to often extreme difficulties. The National Farmers’ Union have made a number of constructive suggestions and indicated that they are ready to back Government action publicly “subject to seeing the details”; their - and landowners’ - support would undoubtedly assist in smoothing the way to implementation. I suggest officials keep in touch about this aspect, in particular, in the next few weeks.

I am copying this letter to the Prime Minister, members of EDH and to Sir Robin Butler.
NEW AGE TRAVELLERS

The Prime Minister has asked for a background note on this week's events concerning new age travellers in Newtown, Powys.

A large body of travellers (estimated at up to 10,000) had assembled in the Newtown area, and on Tuesday 28 July the Police and representatives of the local authority met local officials of the Benefits and Employment Services Agencies. All concerned, especially the police, expressed fears of a very real prospect of major public disorder in Newtown if significant numbers of the travellers descended on the local benefit offices. Benefit officials were themselves concerned about the risk of severe pressure on the local offices. It was therefore agreed that teams of staff from the 2 agencies would go out to the camp site and take claims.

In the event only 110 claims were made in the campsite and 49 at the District Office on 29 July. The press reports concerning the numbers of people claiming benefits from the special unit have been greatly exaggerated (although some may have claimed elsewhere). Special arrangements were put in place, following consultations with the police, community and local authorities, to expedite clearance of the site. Usually two forms are completed by claimants intending to claim unemployment benefit (initial claim UB461 and availability test UB671). Whilst both the forms were not completed by the officers on site, basic work test conditions against availability and actively seeking work were tested through the completion of the UB461. Nicholas Scott put out a statement to the press on the evening of 29 July stating that it was essential that agencies should put arrangements in place to ensure that all checks on entitlement to benefit could be made before a penny more was paid out in similar circumstances. He also said that local office staff were entitled to carry out...
their responsibilities fully without fear of the kind of harassment that clearly threatened in Newtown. Ministers have asked the Chief Executives of both agencies to ensure that availability and actively seeking work conditions against which benefits are provided are met by all claimants for benefit, including New Age Travellers. Yesterday (30 July) Mr Scott decided that a joint task force would be established by the two agencies to strengthen management of any future situations of this kind in full accordance with the Law. These arrangements are being put into place forthwith. It will be announced via the Sunday papers this weekend (embargoed press release attached).

At a meeting on Monday 3 August, officials of DSS, DE and the two agencies will meet to review the law, policy and management for the provision of unemployment benefit and income support, including the introduction of the arrangements already agreed by Ministers for tightening the actively seeking work test. Currently, people who fail the actively seeking work test have their full benefit suspended: they may claim a reduced rate of benefit on hardship grounds. We are urgently considering whether we can use existing legal powers to stop these payments for the single unemployed.

I am copying this letter to Tim Sutton (Lord President's Office), Janette Sinclair (Employment), Colin Walters (Home Office) and Andrew Allberry (Environment).

[Signature]

CLARE MITCHELL
Private Secretary
EMBARGO: Not for use before 12.00 hrs Saturday 1 August 1992

92/118

1 August 1992

BENEFITS CRACK-DOWN ON NEW AGE TRAVELLERS

Tough new action to control the benefit claims of new age travellers was announced today by Nicholas Scott Minister for Social Security.

Announcing the formation of a special joint departmental force, Mr Scott said:

"The special team of Benefits Agency and Employment Service staff will co-ordinate information on the travellers and make sure that the availability for work rules are fully satisfied before a penny of benefit is paid out.

"Operating in this way the team will be able to build up a benefit history of so-called new-age travellers so that their claims can be judged on the same basis as claimants who regularly use one office.

"I share the concerns of the public at the sight of this invasion of land and the prospect of intimidation in and around our benefits offices.

"Taxpayers have a right to expect the Government to spend their money with the utmost care. The job of my Department is to ensure that benefits go, in accordance with the law, to those in need, be they old, sick, families with children or genuinely looking for work."

{ends}
Dear Alan,

GATHERINGS OF "NEW AGE" TRAVELLERS

Following our earlier telephone conversation, I am writing to confirm my request for a report on the Social Security aspects of the recent incident near Newtown, Powys.

As I mentioned, the Prime Minister was concerned to hear of the special procedures adopted for the payment of benefit to the travellers. He would welcome a report on the reasons why these special arrangements were made, together with an examination of the alternative arrangements that could be made in the future. Separately the Prime Minister would welcome a report on the extent to which the travellers' entitlement to benefit was checked. In particular, what arrangements were made to check the requirement to be available for, and actively seeking, work. He would also welcome some wider consideration of the extent to which changes in the entitlement rules might be helpful in discouraging the lifestyle the travellers follow. It would be helpful to have your report by close on Monday if possible.

I am copying this letter to David Russell (Department of Employment) and to Sonia Phippard (Cabinet Office).

Yours,

(MARK ADAMS)

Alan Woods, Esq.,
Department of Social Security.
Dear Sugane,

GATHERINGS OF "NEW AGE" TRAVELLERS

Further to our telephone conversation, I am writing to confirm my request for a report on the public order aspects of the recent incident near Newtown, Powys.

As I mentioned, the Prime Minister is concerned to ensure that all appropriate measures can be taken to prevent such incidents. It would therefore be helpful to have an explanation of why the gathering could not be prevented, what action was taken to prevent it growing, and what action was taken to bring it to an end. In addition it would be helpful to have an outline of the possible additional measures that can be taken in the future to prevent such gatherings or to bring them to a speedier conclusion. It would be helpful if your report could reach me by close on Monday 3 August.

I am copying this letter to Sonia Phippard (Cabinet Office).

Yours,

(MARK ADAMS)

Mrs Suzanne McCarthy,
Home Office.
MR ADAMS

cc Mrs Hogg
    Miss Neville-Rolfe

July 24th, 1992

TRAVELLERS

You wished to draw the Prime Minister's attention to the consultation paper on Gypsy Sites and Illegal Camping. The paper itself is now broadly satisfactory, as long as it is clear that it is not meant to deal with large-scale invasions.

One area where we may wish to consider toughening the proposals is Para 20 (2) where one could grant individual landowners the right to apply for a warrant, as well as local authorities.

By contrast, on the provision of sites, it may be hard to justify the government giving financial assistance to gypsies for permanent housing, but removing all incentives for them to provide sites, on which presumably the vast majority of them still wish to live (Para 28). Perhaps a start-up grant for groups setting up private sites would be a more appropriate use of public money.

On the timing of the announcement, I understand Michael Howard's current intention is to publish the paper in the second half of August. I think Mr Gummer's argument that we should delay until after the summer travelling season is bizarre. Many of the groups most concerned, like the NFU, are already grumbling about unnecessary delay, and as long as the last few points can be resolved through correspondence, I think we should publish as soon as possible.

D - G

DAMIAN GREEN

0021.DG
Dear John

GYPSY SITES POLICY AND ILLEGAL CAMPING

Thank you for your letter of 21 July about the draft consultation paper circulated with my letter of 16 July to John Wakeham. Since EDH is not now meeting to discuss this, I am responding to the points you have made, and also to the comments made by David Hunt and Michael Portillo in their letters of 17 and 21 July respectively.

I fully agree with you that it is most important that we should present these proposals for reform sensitively. I do not propose to issue the consultation paper immediately, but I wish to do so before the Bank Holiday on 31 August. That will enable our proposals to attract the attention they deserve; it will give us time to prepare properly for their launch; and it should avoid any criticism that we are deliberately publishing the paper soon after the Parliamentary recess has begun. I would not want to delay beyond the end of August, however, because there is already some disappointment among Government supporters that the paper did not appear before the recess. Expectation is high that we will introduce firm measures to tackle illegal camping; the issues have now been considered at length between Departments; and I think we should announce them in advance of any problems with travellers that may arise over the holiday period.

The proposed consultation paper is deliberately confined to the undertaking given in the Conservative Manifesto. The new offence of illegal camping referred to in paragraph 20 (i) of the paper is much the same offence as that mentioned in section 10 of the Caravan Sites Act 1968, with the important difference that the paper proposes that any traveller who camps illegally anywhere in England and Wales should be guilty of an offence; whereas at present under the 1968 Act illegal camping is only an offence when committed by gypsies (as defined in the Act) in an area designated under the Act.
I consider that the proposed remedies in the draft paper should deal effectively with the unlawful occupation of land by comparatively small numbers of gypsies and other traditional types of traveller. But it is clear to me that our proposals will be less effective if substantial numbers of so-called New Age Travellers should decide to invade a particular locality. (For example, even if it were possible to provide sites for NATs they would be unlikely to use them.) As my letter to John Wakeham said, in those unusual circumstances the only sensible response would seem to be vigilant policing and action as appropriate under Public Order legislation. I doubt whether reform of the Caravan Sites Act 1968 should address large-scale trespass on land. I have explained this in a recent letter to Kenneth Clarke and I understand that he is looking at section 39 of the Public Order Act 1986 to see if it can be improved.

On the question of the exclusion zone, we accepted earlier this year that a 10-mile prohibition would be unnecessarily restrictive (a circle with a 10-mile radius covers an area exceeding 300 sq miles). The paper proposes that magistrates courts should determine both the geographical extent and the duration of the prohibition, on the application of a local authority in the light of the circumstances of the individual case. I think that this is the best way forward.

I have looked again at the point which you also raised on an earlier draft of the paper about owners of split holdings of land. There are difficulties in covering this, as it would put travellers in the position of having committed an offence without knowing, or having any means of finding out, that they are doing so. They cannot be expected to know or find out what land is in the same occupation as that from which they have been excluded.

Michael Portillo was content with the paper provided I was convinced that the proposed reforms would entail no extra costs to the Exchequer. We do not anticipate additional costs but it is impossible to be certain about this, for the reasons set out at some length in my letter to John Wakeham. There will be savings for the Exchequer from ceasing to pay gypsy sites grant. Additional expenditure by local authorities and magistrates' courts could be offset by the costs incurred at present when authorities and individuals apply for possession of land through the County and High Courts and by authorities clearing up after illegal campers and providing physical barriers to prevent their return. I cannot predict with certainty the overall effect.

David Hunt wrote about the proposal to stop paying gypsy sites grant. My intention is to announce, on the date the consultation paper is published, that no new grant approvals will be given. Treasury Counsel has advised that it would be unreasonable not to pay grant if an authority had a legitimate expectation that grant would be paid, and we shall need to announce the factors that I would take into account when considering whether to pay grant. (These would include, for example, cases where I had formally directed an authority to
provide more accommodation for caravans under the 1968 Act, or where approval in principle to pay grant had already been given.) My intention is that grant would cease altogether from 1994/95, although it is possible that a few payments might slip into that year.

I am sending copies of this letter to the other members of EDH Committee, the Prime Minister and to Sir Robin Butler.

MICHAEL HOWARD
The Rt Hon Michael Howard
Secretary of State for the Environment
2 Marsham Street
LONDON
SW1P 3EB

21 July 1992

Dear Michael,

Thank you for sending me a copy of your letter of 16 July to
John Wakeham on gypsy sites policy and illegal camping.

I have read the draft consultation paper with considerable interest. As
you may be aware, I intend to carry out a separate policy review in
Scotland, since the arrangements which operate for travellers here differ
in many important respects from those applying in England and Wales. Nonetheless, the response to your consultation exercise will be useful to
us in developing our own proposals.

I am copying this letter to the other members of EDH Committee, and to
Sir Robin Butler.

IAN LANG
From the Minister

The Rt Hon Michael Howard QC MP
Secretary of State for the Environment
2 Marsham Street
London
SW1P 3EB

[Signature]

July 1992

GYPSY SITE POLICY; AND ILLEGAL CAMPING

Thank you for copying to me your letter of 16 July to John Wakeham about gypsy sites and illegal camping. You sought urgent comments on the draft consultation paper, Reform of the Caravan Sites Act 1968, with a view to its issue as soon as possible.

I share your concern about the problems caused by various forms of illegal occupation of land. I hear about the resulting distress and damage from anxious farmers and landowners around the country, including my constituents, who feel that existing remedies are far from satisfactory and are pressing for action. Our manifesto commitment and subsequent Government statements in Parliament have given rise to expectations that we intend to tackle this thorny issue and redress the balance between individuals’ freedom of action and the rights of rural communities, in particular, to a peaceful and secure environment. We must do so in a measured but effective manner so as to reduce the currently unacceptable level of disturbance and disruption of those who live and work in our countryside. To fail would be to risk a deeper slide towards lawlessness.

I make no apology for emphasising the background to my approach to this subject. Nor do I underestimate the difficulties, particularly in practical terms, of resolving the problems. We must clear about who is giving rise to difficulties, why this is happening increasingly, and what can reasonably be done to restore the legitimate interests of the various parties involved.

/There seems to ...
There seems to be a number of causes for concern. The most obvious one to the majority of people is the sort of high-profile ‘event’ which took place at Castlemorton Common in May. These may be relatively short-lived but cause extreme problems for users of the Common, in this case, and people nearby. Other incursions involving smaller numbers of travellers may not attract the same wide attention but can be no less of a problem for the innocent parties who are directly affected. These incidents, possibly involving New Age Travellers or the more traditional gypsy types, can, despite expedited procedures, be difficult and expensive to deal with.

In the light of this, the presentation of your proposals will need particularly careful handling, I suggest. The consultation paper outlines the range of existing legislative provisions and follows up with proposed action. Farmers’ and landowners’ representatives - the National Farmers’ Union and the Country Landowners Association - have aired various suggestions for improving the arrangements for dealing with travellers, as opposed to ‘gypsies’. I expect them to press these during consultations. The NFU have, for example, written very recently to Robin Ferrers making a number of recommendations and building on the report which they and others have prepared in the light of the experience gained by the various parties involved in the problems in Powys last summer. I hope the Home Office can give these careful consideration and that, if possible, they might be reflected in the consultation paper. I also wrote to Kenneth Clarke recently seeking some assurance that he would be coming forward with ideas that would deal satisfactorily with this problem. Copies of my letter to him and the NFU’s letter to Robin are attached.

On a point of detail which my Department raised previously, I hope the difficulty for occupiers of holdings comprising more than one parcel of land can be addressed; otherwise there is a danger that in this situation travellers could move from one part to another of the same holding. It would therefore be helpful for provision to be made to prohibit return to any land within the same occupation, or within 10 miles as was proposed in an earlier version of the draft paper.

I understand your wish to clear your consultation paper quickly. I do think we need to be sure, however, that the measures proposed will be effective and are as comprehensive as possible. Half-measures would not get to the root of the issue and would give rise to complaints from injured parties that the opportunity had been missed. Also, there could be disadvantages in publishing proposals at a time when there is a seasonal increase in the number of people ‘on the road’ or willing to turn out in good weather. Have you considered whether it would be preferable to pause to take stock of all the current strands to make it easier to demonstrate that all points have been thoroughly reviewed and addressed?

/I would be ...
I would be happy to be involved in any discussion in EDH Committee on 23 July when perhaps we could consider this question of the timing for the issue of the paper along with any points of substance. If it is decided to issue the paper immediately, I should be grateful if my Department could be kept fully informed as the consultations progress.

I am copying this letter to the recipients of yours.

JOHN GUMMER
The Rt Hon Michael Howard QC MP  
Secretary of State for the Environment  
Department of the Environment  
2 Marsham Street  
London  
SW1P 3EB

21 July 1992

Dear Michael

GYPSY SITES POLICY

I have seen your letter of 16 July to John Wakeham and the enclosed paper on reform of the Caravan Sites Act 1968.

2. If you are convinced that what is proposed will lead to no extra costs to the Exchequer then I am content for you to issue the consultation paper. On that basis I can also accept the interim arrangements you put forward.

3. I am copying this letter to other members of EDH Committee and to Sir Robin Butler.

Yours ever,

Michael.

MICHAEL PORTILLO
Dear Michael,

I am grateful for sight of your letter of 16 July to Lord Wakeham on the revised consultation paper containing your proposals for changes to the present gypsy sites policy and measures to tackle the problems associated with illegal camping by travellers.

As you know, I fully support your wishes to make these changes and am generally content with the consultation paper. I wonder, however, about the proposal to cease making exchequer grant available for gypsy sites from the date of publication of the consultation paper. This proposal is not currently reflected in the paper itself which gives a rather different impression in paragraph 25, and it may not be well received by authorities that have schemes nearly ready to submit for approval. It could be that a cut off date of 31 March 1993 would give authorities time to re-appraise schemes still in preparation and submit those sufficiently far advanced, without their imposing an undue burden on the exchequer.

If the cut-off date of 1994-95 mentioned in paragraph 25 is to be the cut-off date for completing payments there could be practical difficulties in ensuring all payment procedures including the audit of final claims could be satisfactorily completed.

Yours ever,

The Rt Hon Michael Howard QC MP
Secretary of State for the Environment
2 Marsham Street
London
The Rt Hon Lord Wakeham
Lord Privy Seal,
Privy Council Office
68 Whitehall
LONDON
SW1A 2AT

16 JUL 1992

Dear John,

GYPSY SITES POLICY; AND ILLEGAL CAMPING

This letter invites you and ED(H) colleagues to agree to my issuing a consultation paper proposing reforms to tackle the considerable problem of illegal camping and to improve the present arrangements for the provision of gypsy caravan sites.

You will recall that the 1992 Conservative Manifesto said "Illegal camping by gypsies or other travellers can affect the lives of whole communities. We believe that this problem must be tackled. ...The 1968 Caravan Sites Act will be reviewed with the aim of reducing the nuisance of illegal encampments."

The enclosed draft consultation paper is a revised version of the one which HS Committee considered, and almost agreed, on 25 February. It takes account of views of officials in those Departments (principally Home Office, Lord Chancellor's Department and HM Treasury) which have offered substantive views in correspondence since then.

The draft paper addresses illegal camping by all types of travellers, including New Age Travellers, but it makes clear that its proposals may not be practicable for dealing with exceptional numbers of travellers such as those who recently invaded the Malvern Hills for a period; in those unusual circumstances the remedy would seem to be vigilant policing and action as appropriate under Public Order powers.

Interim arrangements

I propose that, subject to consultation with Treasury Counsel, Exchequer grant for the capital costs of local authority gypsy caravan sites should cease to be payable on publication of the consultation paper, except where an authority has already applied for grant or where I have directed an applicant authority to provide sites. The duty to provide accommodation will remain until it is repealed or amended, and until then authorities will be expected to take reasonable steps to comply with their duty.
Expenditure consequences

Public expenditure provision for gypsy sites grant in England and Wales in 1992/93 is £13.5 million. The proposals in this paper could entail expenditure of some £10-11 million a year in 1992/93 and perhaps £5 million in 1993/94 as local authorities confine their activity to proposed sites and refurbishment for which grant has already been sought. It is arguable that if gypsy sites grant is withdrawn local authority caravan sites should receive instead capital and revenue expenditure support on the same basis as other types of subsidised/social housing.

The financial and manpower consequences of the proposed reforms are difficult to calculate because only limited information is available about illegal campers. Additional expenditure incurred by authorities and magistrates' courts could well be offset by the costs which are incurred at present when authorities and individuals apply for possession of land through the County and High Courts, and by the expenditure involved in clearing up after illegal campers and in providing physical barriers to prevent their return. In future, eviction could happen more quickly and return will be prohibited by order. If campers flout the law persistently or if public order issues arise, eg because of the size of an encampment, there could be police resource implications, but action would be at the discretion of the local chief police officer; and the cost of confronting persistent law-breakers who wish to live outside the community must be weighed against the current cost to the community and the environment of illegal camping.

The number of traveller families who might in future apply to be accepted as statutorily homeless might be of the order of 1,000. The cost of securing accommodation for statutorily homeless people is implicit in existing legislation, and it may be more cost effective to provide sites for caravans or mobile homes than to provide other types of temporary housing, if permanent accommodation cannot be quickly provided.

I should be grateful to receive any comments from you and colleagues by midday on Monday 20 July. If it is not possible to clear this in correspondence we intend to discuss this at EDH Committee on 23 July. I am keen to issue the paper as soon as possible; the problem of illegal camping is causing much concern in the country.

I am sending copies of this letter and the enclosure to the other members of EDH Committee, and to Sir Robin Butler.

Michael Howard
DRAFT CONSULTATION PAPER

REFORM OF THE CARAVAN SITES ACT 1968

1. The Conservative Manifesto 1992 noted that illegal camping by gypsies and other travellers could affect the lives of whole communities. It contained an undertaking to review the Caravan Sites Act 1968 with the aim of reducing the nuisance of illegal encampments. This consultation paper invites views on the Government's proposals for reform.

Purpose of the 1968 Act

2. In 1966 the then Minister of Housing commented that "... the remarkable fact (is) that for most traveller families there is nowhere they can put their homes; they are within the law only when moving along the road ...". In 1965, there were estimated to be some 3,400 gypsy families (or about 4,750 caravans) in England and Wales, only a tiny fraction of whom were on authorised sites.

3. In order to meet the needs of these travellers Parliament passed the Caravan Sites Act in 1968. This Act places on local authorities (County, Metropolitan District and London Borough Councils) a duty to accommodate all those whom the Act defined as "persons of nomadic habit of life, whatever their race or origin" and who were "residing in or resorting to their area".
4. To ensure there would be enough pitches not only for the travellers belonging to the area, but for those who travelled through it from time to time, the Act provided for "the establishment of (caravan) sites by local authorities for the use of gypsies and other persons of nomadic habit and (to) control in certain areas the unauthorised occupation of land by such persons".

5. Once a local authority was deemed to have provided sufficient pitches it could apply to become "designated" by the Secretary of State. The effect of designation is that it becomes a criminal offence for any gypsy to station a caravan for the purpose of residing within the designated area for any period on any land situated within the boundaries of a highway, or any other unoccupied land, or any occupied land without the consent of the landowner or tenant.

6. In this way it was intended that there should be sufficient provision of pitches for all travellers across the country, and that each local authority and area would accept a fair share of travellers. The intention was ".. with this legislation and the provision of permanent camps the task of integration should become much easier.".

**Need for Reform**

7. Eric Lubbock, the then MP who introduced the Caravan Sites Bill, expected that it would ".. help local authorities control the unauthorised use of land. It would give relief to quiet
neighbourhoods and beautiful countryside which has suffered from invasions of the travelling people while at the same time it would give those travelling people a recognised place in the community."

8. The problem has grown faster than its remedy. Whereas in 1965 there were thought to be some 3,400 gypsy caravans, in January 1992 local authorities counted nearly 13,500 such caravans (an estimated 9,900 families) in England and Wales. Of these, over 4,500 were on unauthorised sites, only 1% fewer than in 1981. Only 38% of English local authorities have achieved designation in the 24 years that have elapsed since the Caravan Sites Act - despite the fact that since 1978 a 100% grant has been available to meet the capital costs of gypsy sites, which so far has cost the Exchequer some £56 million.

9. There are now nearly 9,000 gypsy caravans on authorised sites in England and Wales. But site provision is not keeping pace with the growth in the number of caravans, and the Government considers there is no reason why this need should automatically be met by public provision, nor any reason why gypsies - once settled - should remain on public sites indefinitely. The 1968 Act was intended to provide a network of sites to enable gypsies to move around or settle but in practice many gypsies have settled on permanent sites and 90% of local authority pitches in England are used for residential as opposed to transit purposes.

10. At the time of the introduction of the Caravan Sites Act, it was observed that "... gypsies no longer follow the traditional
occupations of many years ago such as horse dealing, handicrafts and fortune telling ... more than half of them deal in scrap metal and particularly in car breaking ...". In addition, many gypsies used to be regularly employed as temporary labour for farmers, who were content to let them camp on their land during, for example, the fruit-picking season.

11. Today, whilst the mechanisation of agriculture has lessened the scope for travellers to carry out fruit picking and other related activities, many travellers still earn a living from activities which require little start-up investment and can be pursued outdoors such as scrap metal dealing. There is less need to move from place to place, although conversely motor vehicles have enhanced travellers' mobility in comparison with the days of the horse-drawn van. So, while some traveller families retain a yearning to travel the open road, many have settled on permanent sites and a few have moved into permanent housing.

12. The situation has become more complex in recent years with the emergence of more groups who do not wish to use sites that are provided, may travel in large numbers, may not be nomadic, and for whom the 1968 Act provisions may not have been designed. These may include some of the group colloquially known as New Age Travellers as well as the highly mobile families (identified in a 1965 gypsy study by the Ministry of Housing) who travel widely earning their living by laying tarmacadam. The Government considers that for the 1990s a fresh policy is needed which recognises the considerably greater number of travellers and the lessons which have been learned over the last 25 years.
The Problem

13. Camping causes particular concern when travellers

(a) camp unlawfully\(^1\) on someone else's land without their
   permission, which is illegal\(^2\) and an offence in
   designated areas (see paragraph 5 above); or

(b) camp on someone else's land with their permission but
   unlawfully because in breach of planning controls; or

(c) camp and commit an offence, for example aggravated
   trespass or persistent nuisance.

14. A number of powers are available to deal with illegal and
    unlawful camping. Their effectiveness and use vary. Where
    camping involves an offence the 1968 Act (paragraph 15), the
    Public Order Act 1986 (paragraph 16) and the Environmental
    Protection Act 1990 (paragraph 19) will be relevant. Where the
    camping is unlawful under civil law (paragraph 17) the Planning
    and Compensation Act 1991 (paragraph 18) will be appropriate. The
    Government's proposals (paragraph 20) would make some unlawful
    camping illegal in future, but no change is proposed in respect
    of breaches of planning controls.

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\(^1\)(ie without authorisation and remediable under civil law)
\(^2\)(ie an offence usually covered by criminal law)
The Caravan Sites Act 1968

15. As explained above (paragraph 5), this Act enables the Secretary of State to designate local authorities who have made adequate provision for sites in their area or which he considers need not do so. An authority which is designated has access to fast acting powers enabling a Magistrates' Court to order the removal of unlawfully parked caravans and their occupants from highway land, unoccupied land or occupied land with the consent of the owner. However, these powers are limited because:

(a) they are only available against gypsies, defined in the Caravan Sites Act as "persons of nomadic habit of life, whatever their race or origin";

(b) they are not available where the landlord or tenant consents to the illegal encampment even though intolerable nuisance may be caused to the surrounding community; and

(c) by definition, they are not available to the 62% of local authorities which are not yet designated.

The Public Order Act 1986

16. Section 39 of the 1986 Act enables the Police to act where aggravated trespass on land occurs. The effectiveness of these
powers may be limited because:

(a) they are only available where aggravated trespass has occurred [and are used at the discretion of the senior police officer];

(b) trespass may be on unoccupied or highway land not covered by Section 39 of the Act; and

(c) it is a criminal offence to return to the same land as a trespasser but only for three months after a direction to leave the site has been given by the senior police officer present when aggravated trespass occurred.

Civil remedies

17. A landowner whose land is not in a designated area and who is aggrieved by unlawful camping can only seek redress by initiating a civil action at his own expense. Landowners can apply to the court for an order of possession if they believe their property is unlawfully occupied, and special procedures are available through both the High Court and the county court to assist landowners in obtaining relief as quickly as possible. But many landowners may find that these procedures consume time and money and, if the campers return later or simply camp again nearby, they may be ineffective.
Powers Against Breaches of Planning Controls

18. If there is unauthorised use of private land as a residential caravan site, the local planning authority may take planning enforcement action to remedy the breach of planning control either against gypsies who own or lease the land or against the landowner who has permitted the unauthorised use. The Planning and Compensation Act 1991 has provided greatly strengthened planning enforcement powers to remedy any breach of planning control. In particular, improved "stop notice" provisions now enable the local planning authority for the first time to prohibit the use of land as a residential caravan site, if necessary immediately. And there is provision for a new type of injunction to be sought against any actual or apprehended breach of control, even where the identity of the person allegedly responsible for the breach is unknown. It will be some time before the overall effect of these improvements can be properly assessed.

The Environmental Protection Act 1990

19. Where a landowner is absent, or unknown, or allows the use of his land by travellers, but neighbours object on the ground that the camping creates a nuisance which requires immediate remedy, there should be scope for action under the Environmental Protection Act 1990. It is for the local environmental health officer to decide whether a particular activity amounts to a statutory nuisance under the 1990 Act, and whether to serve a notice on the person who causes the nuisance requiring remedial
action, for example the cessation of noise or clearing up accumulations of rubbish. Breach of such a notice is an offence, incurring a fine.

The Government’s Proposals to Tackle Illegal Camping

20. Unlawful or illegal campers who invade land may cause much damage and distress to the landowner (or an occupier such as a tenant farmer) and/or to local people. The Government considers that the existing powers described above provide insufficient means to respond effectively and speedily to occupation of land. A straightforward and speedy remedy is needed. Accordingly, it is proposed that:

(i) it should be a criminal offence for any person to station a caravan for the purpose of residing for any period within England and Wales on any land situated within the boundaries of a highway, or any other unoccupied [or common] land, or any occupied land without the consent of the occupier. (Where camping is with consent, but unlawful because in breach of planning controls, the law has recently been strengthened (see paragraph 18 above) and the maximum penalty for failing to comply with a stop notice is now £20,000);

(ii) a magistrate may, under expedited procedures on the complaint of the local or highway authority, issue a warrant (subject to reasonable safeguards and perhaps on a similar basis to the procedures for search
warrants) authorising that authority and its bailiffs and/or officers to take such steps as may be specified in the warrant for the removal from land of caravans stationed in contravention of (i) above:

iii) a magistrates' court may, on the complaint of the local or highway authority, by order prohibit offenders from returning for the purpose of stationing a caravan to within one (or more) mile(s) of any site from which they have been evicted for a period of two years.

21. Plainly it is important to ensure effective use of the proposed enhanced powers set out in paragraph 20 above. The penalty for obstructing or resisting eviction under warrant or for failing to comply with the terms of a prohibition order would be a fine. But it must be recognised that fine enforcement action by the courts against a moving population is very difficult and the last resort - imprisonment - may be reached in a high proportion of cases. An alternative form of enforcement would be to seize the caravan; such action would also prevent the offence from being repeated and would be comparable with the impounding of vehicles which are parked illegally or cause an obstruction. The Government invites views on whether local and highway authorities should be empowered by magistrates' courts to use the authority's bailiffs or officers to seize caravans whose removal was obstructed or resisted, or which returned in breach of a prohibition order, or whose owners had failed to pay a fine or fines. Clearly such action could only be contemplated
as a last resort when the law was being flouted and if it were feasible and operationally practicable. The seized caravans would be returned when any outstanding fine(s) had been paid, and/or the offender(s) satisfied the court that he (they) either had a legal place to camp or alternative accommodation, and/or at the court's discretion.

Accommodation for Gypsies and Other Travellers

22. The number of caravans on private gypsy sites in England and Wales has increased by 114% from 1,400 in 1981 to nearly 3,000; while caravans on local authority sites have gone up 56% from about 3,800 to nearly 6,000 over the same period. At present, 100% grant is available towards the capital costs, including refurbishment, of local authority sites, but no assistance is given for day-to-day running costs.

23. People who wish to adopt a nomadic existence should be free to do so, provided they live within the law in the same way as their fellow-citizens. This choice should not, however, entail a privileged position under the law or an entitlement to a greater degree of support from the taxpayer than is made available to those who choose a more settled existence. Travellers, like other citizens, should seek to provide their own accommodation, seeking planning permission where necessary like anyone else.
Repeal of 1968 Act duties

24. Accordingly, the Government proposes that the demand for local authority sites should be lessened by

a. repealing the 1968 Act provisions which put a duty on local authorities to provide sites. Instead, local authorities would be given a discretionary power to provide sites where they believe this is the appropriate course to take. Caravan sites may be the most effective way of securing accommodation for travellers whom an authority accepts as statutorily homeless under Part III of the Housing Act 1985;

b. repealing the Secretary of State's powers to designate and to direct local authorities; and

c. encouraging gypsies who have settled in an area to move from caravan sites into both private and public sector housing.

The Government expects existing caravan sites to continue in being not least because, where grant has been paid towards the capital costs of a site, local authorities would have both to repay grant if the site closes and to provide alternative accommodation for any people from the site whom they accept as statutorily homeless.
Exchequer grant

25. The Government proposes that the 100% grant for the capital costs of sites (which has cost the Exchequer over £56 million since it became available in July 1978) should cease to be payable from 1994/95.

Encouragement towards Settlement and permanent Housing

26. There is evidence that some gypsy and travelling families who have historically been travellers now prefer a more settled existence. As indicated in paragraph 12 above, gypsies have become progressively more settled, but people who have been nomadic may find transfer into traditional housing difficult. It may only be achieved by a transitional process - from temporary site, to permanent site, and then to carefully selected housing - over a period of years. Some caravan sites have experienced management problems; too hasty a transition into housing could result in those problems being transferred as well.

27. Moreover, proposals for official gypsy sites, whether provided by local authorities or by the private sector, often encounter opposition because of local communities' experience of illegal camping. This means that gypsies may not find it easy to provide sites for themselves and, if they do manage to find a site, the process of settling down and possibly transferring into traditional housing may not be easy for people who are accustomed to a nomadic life-style. Accordingly, the Government believes that it may be necessary to provide advice on education,
health and housing which encourages gypsies and other travellers to settle and, in time, to transfer into traditional housing. It may also be necessary to inform public opinion about the advantages of permitting official sites and encouraging gypsies to settle so that they become integrated into the community.

28. The Government is also considering whether it might be feasible to introduce a limited form of financial assistance towards the purchase of permanent housing for gypsies and travellers who vacate pitches on publicly-owned caravan sites, similar to the scheme for council tenants who wish to purchase a private property. To facilitate educational opportunities for traveller children, priority for vacancies then arising on existing public authorised sites might be given to travellers with children of compulsory school age.

Planning Policy

29. Gypsies enjoy a privileged position in the planning system, in that Government advice (DOE Circular 28/77 (Welsh Office 51/77) and DOE Circular 57/78 (Welsh Office 97/78)) recognises that in some circumstances it may be appropriate to countenance gypsy sites in the Green Belts, where normally the most restrictive regime applies. Since the Government proposes to remove local authorities' obligation to provide gypsy sites at public expense, it considers that the planning system should apply to gypsies on the same terms as anyone else. It proposes to up-date the relevant planning guidance to local authorities, to reflect the reform proposals that emerge from this
consultation. Unlike gypsies, travelling showpeople do not enjoy a privileged position in the planning system and are subject to the same controls as other small businesses and self-employed people. Advice to local authorities about planning considerations relating to travelling showpeople is given in Circular 22/91.

Conclusions

30. The Government recognises that the proposals in this consultation paper represent a significant shift of policy. The changes proposed are justified, in the Government's view, because the present arrangements are satisfactory neither for local authorities, for local communities, for landowners, nor for gypsies and travellers. The public resents the unlawful or illegal occupation of land however it arises; and the 1968 Act duty to provide caravan sites is too loosely defined and has become an open-ended commitment, and a relentless drain on taxpayers' funds, undermining gypsies' responsibility to provide for themselves.

31. Accordingly, the Government believes that the proposals in this paper are a better way forward. They offer:

* swifter action to deal with illegal camping by those who persist in flouting the law;
* encouragement to all travellers to provide their own sites;

* more places on existing sites as some families move into permanent housing;

* and improved access to educational opportunities for travellers and their children.

32. The Government invites views on the proposals for reform set out in this paper. Responses should be sent to the Department of the Environment or the Welsh Office, as appropriate, by the date specified in the covering letter. Those Departments will ensure that comments are passed on, where necessary, to other Departments (for example the Home Office, Lord Chancellor's Department) which have responsibilities relevant to this topic."
11 July 1992

Dear Ken,

I am still very concerned at the difficulties that farmers, landowners and my constituents have in getting rid of illegal caravans, whether New Age or not! The standard Government response is that the police have all the powers necessary. A recent incident in Suffolk underlines the widespread view outside that this is not so. A gated field, occupied in the past by travellers, was reoccupied by lifting the gate bodily from its hinges. On the previous occasion a Court Order had been gained to clear the field. The police failed to move these people on, and the local authority has had to have recourse to the Courts again. Meanwhile, the neighbours are grossly inconvenienced.

I know that you are committed to taking action to remedy the present unhappy situation regarding trespass on private land. Can you assure me that the steps you are contemplating will be adequate to deal with problems of this kind?

Yours ever,

John Gummer
Rt Hon Earl Ferrers  
Minister of State  
Home Office  
50 Queen Anne’s Gate  
London SW1H 9AT

When we had a short meeting in your office at the House on July 2nd I promised to let you have a note on the action we would like to see taken by government and the relevant authorities on problems caused by travellers.

I know that you have seen the Powys County Council Report on legal aspects relating to new age travellers published in May, and we would commend its conclusions to you. I attach a note of the NFU’s recommendations for action which are similar to the Powys ones, but include additional points such as the position of common land under the Public Order Act.

We see these changes in the law as closing loopholes rather than radical new provisions. We respect the need for the police to have operational discretion in the field, but they and other authorities should not be hamstrung in dealing with the wide variety of problems caused by travellers by deficiencies in the law that are technical in nature rather than amounting to points of principle.

We do of course recognise that changes in the law do not guarantee changes in people’s attitudes and behaviour. The changes we seek are in the main concerned with the practical questions which arise when large groups of travellers are on the move and/or have carried out a mass trespass on private land. It would be so much better if these unpleasant incidents could be minimised in the first instance, and whilst we are well aware of the civil rights of the travellers, other citizens have rights too. I need hardly remind you of the outrage felt amongst farmers and other rural residents in such places as Castlemorton Common. Whole communities have found themselves besieged and individuals have been intimidated, threatened with assault, and had property stolen or damaged. We are concerned by the danger that these incidents are eroding public confidence in the
Police, especially where it appears that the upholding of law and order has been temporarily suspended. There is a growing feeling that the freedoms of the majority are being mocked by a minority.

I gather that the consultation paper on travellers to which you referred in May is likely to be published soon, and of course we shall respond to it. We do urge that, as promised in the manifesto, the government will be proposing some firm action to deal with illegal encampments and that any primary legislation required is given priority so that it can be in place by next summer. I can assure you that, subject to seeing the details, the NFU stands ready to give robust public support to further government action on this difficult issue, which has caused an unprecedented level of distress to rural communities.

I am copying this letter to John Gummer at MAFF and David Hunt at the Welsh Office.

Yours etc,

C D Naish
ENC
Public Order Act 1986

In the NFU’s view should be amended:

a. To give the police powers to prevent further trespass to land where a direction to leave has already been given, so that potential trespassers can be diverted away from the site.

b. To confirm that the posting of a notice on the land is adequate in law to ensure that the direction applies to all the trespassers present or who arrive subsequently.

c. To delete the exclusion of land forming part of a highway from the Section. The Home Office have argued that highways were excluded as the element of damage or harassment to individuals does not arise to the same degree on highways. We do not agree: in the main this is a public order issue where the police must be able to move travellers on who have squatted on both private land and highway land. The latter of course includes land near the road upon which vehicles can be camped without actually obstructing the use of the road itself. The police may also be hindered by the exclusion of highway land where the site is crossed by a public right of way. The Hampshire police authority have called for Section 39 to be extended to include highways.

d. To put it beyond doubt that common land is included in the ambit of S.39. The Home Office view (written answer col. 330, 12 June 1992) is that there is no deprived occupier on common land. This is a narrow, legalistic point of view. In practice on commons used for agricultural purposes, the commoners are heavily dependent on grazing their livestock on the common to maintain the viability of their farms nearby. Consequently damage to the common caused by the mass trespass of travellers is just as serious for the commoners as if they were the legal occupiers of the land.

e. To give the police a power to enter vehicles on the site so as to exercise their powers of direction or arrest.

f. To make it clear that the police direction to leave the land may oblige the trespassers to take their vehicles, their dependents and animals with them. Of course many of the travellers live in the vehicles, so fresh problems arise if they are separated from them.

g. To make it clear that the reference to damage to property includes damage to the land itself (e.g. digging of holes, lighting of fires etc.)
h. To give the police a reserve power to remove the vehicles, sound equipment, etc. or authorise others (e.g. local farmers with tractors) where the trespassers have failed to leave, or have themselves moved off the land but have left vehicles or other belongings behind.

Highways Act

Part of the Home Office reasoning against extending the Public Order Act to cover highways is that highway authorities have "ample remedies" for removing obstructions. However none of the Highways Act 1980 remedies (e.g. Sections 130, 137 and 143) were drafted with travellers problems in mind - it is doubtful if travellers in a lay-by would be held to be "wilfully obstructing the free passage along a highway". We support the Powys County Council recommendation to strengthen Section 143 so that the definition of structure includes vehicles and allows action to be taken after 24 hours.

Other Legislation

Other relevant legislation is referred to in the latter part of Chapter 5 of the Powys report. The new powers to examine vehicles under the Road Traffic Act 1991 appear to be potentially helpful in terms of stopping a procession of vehicles en route before a mass trespass takes place, and perhaps breaking it up into smaller more manageable groups.

Guidance to the Police

The NFU welcomed the decision of the Home Office in May 1991 to issue guidance to the police on the use of the Public Order Act "to assist forces in coming to a more consistent use" of Section 39. However regrettably it appears that the guidelines have not achieved that objective, and indeed may have deterred the police from exercising their powers. The guidelines are also confusing, for example in paragraph 7 they refer to "official sites" which are really only relevant to gypsies and others who may be interested in permanent sites provided under the Caravan Sites Act 1968: whereas, as we know, the hippies and new age travellers search out temporary gathering places. There may also be some misunderstanding amongst police in the field on the provisions of Section 39: for example some police officers have said that it can only be used where civil remedies have failed, which of course is just not so.

Although the Home Office has appeared reluctant to review the guidelines as they were issued "so recently", Lord Ferrers stated in the Lords debate on May 14 that the government would look again at the guidance (col.540). The NFU urges that this assurance be translated into the consideration of fresh guidance as soon as possible.
Other Action

Other action needed on this issue includes the better pooling of information between the police forces, other public authorities, and voluntary bodies such as the NFU so as to give advance warning, monitor progress and to take precautionary action; urging local authorities to adopt licensing arrangements to cover large scale open air events under the Local Government (Miscellaneous Provisions) Act 1982; an extension of criminal compensation schemes to cover the "victims" of mass trespass incidents needs looking at; and clearer distinctions in law and practice between gypsies and new age travellers are desirable (DoE consultation paper on 1968 Act to be published "as soon as practicable").
PRIME MINISTER

GYPSY SITE POLICY

I have seen Michael’s note to you of 9 March about gypsy policy and I have discussed some of my concerns with him directly.

One of the consequences of this policy is that local authorities will be encouraged to move on all gypsies on unauthorised sites. They are reluctant to do so at the moment unless they are designated authorities. As soon as this power is on the statute book their local electors will insist that councils take much tougher action. I suspect there may well be more than Michael’s estimate of 4,000 caravans involved across the country. The proposal to move them on and to find them some permanent local authority housing could I think lead to some very angry pitched battles with court officials and bailiffs when push comes to shove. The police would certainly have to be available in case of any breakdown in public order. I think colleagues should be aware that this is likely to happen, and that I might need to seek a PES transfer to cover it.

The other point that concerns me is the possibility of impounding the offending caravan. I appreciate Michael’s view that at the end of the day it is the owner’s most valuable property and the threat of impounding will encourage the occupants to move on. However, impounding would almost certainly lead to public disorder, quite apart from the fact that children and dependants would have to be taken into some sort of care or residential accommodation. We are simply not prepared to accommodate people like this in police stations. If impounding is to remain as part of the package, as the ultimate sanction, it has to be hedged around very considerably. Michael must be prepared to say he would move gypsies straight into local authority accommodation and give them top priority. I myself doubt whether many of them would want to go.

I assume that Michael has considered the effect on those authorities which are trying to seek designation: mine is a case in point. I suspect that they will not want to go ahead with schemes now in hand to provide more caravan sites since, under Michael’s proposals there would be no advantage in designation.

12 March 1992
Home affairs.
Gypsy Jan.
11 March 1992

Dear Michael,

GYPSY SITES POLICY

I have seen the latest version of the consultation paper attached to your minute of 9 March to the Prime Minister.

In principle I would be in favour of releasing the consultation document this week, assuming that other colleagues also agree.

As regards the detail of the document, I think it would be helpful if it brought out more clearly that the scale of the problem which makes a review of the 1968 Act necessary is largely a consequence of the growth in the numbers of so-called "new age travellers". This is the reality of the situation in a number of parts of the country, and bringing it out in this way in the consultation paper might help to deflect criticism that the approach we propose might be aimed particularly at the Romanies.

I am copying this letter to the Prime Minister, David Waddington, other members of HS Committee and to Sir Robin Butler.

Yours,

John MacGregor

The Rt Hon Michael Heseltine MP
Secretary of State for the Environment
2 Marsham Street
London SW1P 3EB
The Rt Hon Michael Heseltine MP  
Secretary of State for the Environment  
2 Marsham Street  
London SW1P 3EB  
10 March 1992

GIPSY SITE POLICY

I have seen your letter of 6 March to the Financial Secretary bearing on the proposed publication of your consultation paper on gipsy site policy.

The latest paper looks far more likely than the earlier proposals to provide a basis for solving the problems presented by an apparently unstauchable demand for site provision. Moreover, in its revised form it helpfully takes on board some of the Treasury's concerns along with those of other Departments.

But I am afraid that I am still worried that the paper is not in a state to release as a consultation document. Whilst the latest version has taken account of readily assimilable points, it can hardly hope to have dealt in the time available with the wider concerns which the Treasury and the Home Office, in particular, have expressed.

I shall not repeat the remarks of the Financial Secretary in his letter of 3 March. But I would add that the aim of the consultation paper does not come across very clearly, not least because the paper harbours several seeming contradictions. Is the intention to reassure the public that the Government is acting to tackle a perceived nuisance? Or is it an attempt to attract widespread public support for a new initiative on gipsies? As it stands, the position which the Government wants to adopt appears to be a bit confused on such issues as whether the incentives for provision of caravan sites will continue or diminish; and why, if "the Government has no quarrel with the nomadic way of life", it is anxious to see gipsies permanently settled. If the Government does not ask awkward questions first, we shall have to answer them in more embarrassing circumstances following publication.

POLICY IN CONFIDENCE
Furthermore, I cannot accept that a serious consultation paper on a sensitive issue like gipsy site policy should be issued without fuller consideration of the financial and manpower consequences of its proposals for local authorities and for central Government. By the same token, the introduction of an incentive scheme to attract gipsies into permanent accommodation should not be casually floated without being more thoroughly discussed.

The whole document simply needs more work before its publication.

I am copying this letter to the Prime Minister, members of HS Committee, Tom King and Sir Robin Butler.

GILLIAN SHEPHARD
10 March 1992

Dear Mark,

GYPSY SITE POLICY: CONSULTATION PAPER

The Lord Chancellor has now seen the memorandum from the Secretary of State for the Environment to the Prime Minister of 9 March 1992 in which it is proposed that Sir George Young should launch this consultation paper at a press conference tomorrow morning.

As you know earlier drafts of the paper have been considered at two meetings of HS Committee and subsequently at both ministerial and official level. In the Lord Chancellor's view the paper is now much improved but he remains concerned that there is a danger that a subject of such difficulty is being taken forward at a speed which prevents it being given proper consideration.

Thus, for example, the paper deals with the situation where a landowner agrees to camping taking place on his property and proposes a power in the local authority to evict from that property and from common land, without a court order, but does not canvass in any detail the legal issues involved. Similarly a somewhat cursory treatment is given to the issue of the impounding of caravans.

Mark Adams Esq  
Private Secretary  
10 Downing Street
The Lord Chancellor would therefore invite the Prime Minister to consider whether this is an appropriate moment to publish a consultation paper which is certainly capable of improvement and which may, in its present form, lead to the suggestion that the Government is going forward with insufficiently considered proposals. A better course might be for officials to continue to work up the existing draft which could then be considered at a future meeting of HS Committee.

I am sending a copy of this letter to the Private Secretaries of members of HS Committee.

Yours ever,

Jenny

JENNY ROWE
PRIME MINISTER

GYPSY SITES POLICY, AND ILLEGAL CAMPING

I have seen a copy of Michael Heseltine’s minute of 9 March proposing that George Young should launch on Wednesday a consultation paper containing proposals for reform in relation to the use of land by gypsies and other travellers in England and Wales.

I do of course recognise the importance of the problem that Michael’s minute sets out, and I agree that the idea of issuing a public consultation paper would under normal circumstances present a helpful way forward. However, I am concerned that we should not be seen to be rushing into consultation at the present time. It has to be recognised that this is a controversial issue, and that announcing a consultation document at the present time would open the debate in ways which might be unhelpful.

On a more general point, I think that it is important that decisions on this matter should be taken in the light of fuller collective discussions about housing and planning policy as a whole. In considering these broader issues, I am particularly concerned that we should take into account the possible economic consequences of planning policy. I think that consulting on these issues over the next few weeks would serve to raise the political profile of our planning policy unnecessarily.

For these reasons, I would prefer to see any announcement of public consultation on these matters delayed in order to allow more detailed consideration of the issues involved.

I am copying this to the members of HS committee and to Sir Robin Butler.

M. H.

M H
10th March 1992
Dear Phillip

GYPSY SITE POLICY; PLANNING

In my minute of 5 March, I reported the Prime Minister's view that he would not wish a Consultation Paper of Gypsy Site Policy to be published in the next few weeks. You have made various representations to me asking for publication to go ahead this week.

I have discussed your suggestion with the Prime Minister. He has commented that if publication is to proceed a draft of the PQ, any press notice, and the Consultation Paper itself, should be circulated this evening, and should meet with the approval of colleagues (including, of course, himself).

On planning, the Prime Minister had asked that the Policy Planning Guidance Notes (PPGs) on the General Principles of the Planning System, and on Housing be delayed for the time being. He was concerned that publication of a raft of PPGs would give planning a higher political profile than would be helpful.

Having discussed the PPGs with your Secretary of State, the Prime Minister's remaining concerns relate to PPG3 on housing. He is concerned that:

- publication of such a note now would be received unfavourably by the construction industry;

- the note has been drafted with insufficient weight given to the economic consequences of planning policy. He notes that the draft was cleared by economic departments, but at a relatively junior level.

He would therefore welcome your Secretary of State's views.

I am copying this to Private Secretaries to Members of the Cabinet, Murdo Maclean (Chief Whip's Office) and to Sonia Phippard (Cabinet Office).

Yours

(MARK ADAMS)

Phillip Ward, Esq.,
Department of the Environment.

POLICY IN CONFIDENCE
POLICY: IN CONFIDENCE

PRIME MINISTER

GYPSY SITES POLICY, AND ILLEGAL CAMPING

I have to be in Manchester on Wednesday but, if you agree, I propose to ask George Young to take a News Conference that morning to launch our consultation paper which contains proposals for reform in relation to the use of land by gypsies and other travellers in England and Wales. (The proposals are not directed at travelling showpeople, who are specifically excluded from the caravan sites legislation: we issued a circular only last December about planning considerations relating to them.)

The problem we are addressing is that the number of gypsy caravans has risen by 30% since 1981. There are now 12,700 caravans in England and Wales. The Caravan Sites Act 1968 requires local authorities to provide sites, and gives me powers to designate authorities which provide sufficiently (designation gives access to magistrates court powers to move on illegal campers) and to direct provision by laggard authorities. Since 1980 we have provided a 100% Exchequer grant for the capital costs of sites provided by local authorities (provision for 1992/93 is £13.5m). The Act and the grant have been a success, in that over 8,000 gypsy caravans are on authorised sites, a 67% increase since 1981. But so far only 38% of district councils in England, and one council in Wales, have been designated; and I and my predecessors have had to direct three county councils in recent years. 4,000 caravans remain on unauthorised sites, only 12% fewer than in 1981. In addition there are several thousand "New Age Travellers" most of whom are camped illegally. The public is understandably fed up with the problems (damage, litter) often associated with illegal camping, and the apparently
ineffective powers to act against it. The taxpayer faces a relentless rise in grant for site provision.

The solution proposed in the consultation paper is

a. to amend our planning policy guidance to put gypsies in the same position as anyone else who needs planning permission to use or develop land (at present, Government advice countenances gypsy caravan sites in the Green Belts in certain circumstances, which is anomalous and is understandably resented by other developers and by people who live in or visit Green Belt areas);

b. to amend the 1968 Act to remove both the duty on local authorities to provide sites and my powers to designate and to direct authorities. This will prevent gypsy interests from taking court action to require provision or direction, as they have become prone to do, with some success;

c. more effective powers to act against the illegal occupation of land by all travellers, not only gypsies: all authorities should have (i) powers to remove from land illegally parked caravans and their occupants; and (ii) a right without a court order to evict from land anyone occupying it without the owner's consent. The courts should have power to prohibit return to any unauthorised site within 1 or more miles (at the court's discretion) for a period of 2 years. The paper invites views on a proposal that, if the landowner is absent, or unknown, or doesn't object to the use of his land by travellers, it might be appropriate to provide for a magistrates court to order eviction without the landowner's consent. The paper also seeks views on whether, if a traveller failed to comply with an eviction order, there should be a last resort power to impound caravans: the paper makes clear that this would be invoked only where it
was feasible and operationally practicable and every other remedy has been explored:

d. to encourage more gypsies and other travelling families to move into permanent housing. While making clear that the Government has no quarrel with a nomadic way of life, the paper mentions that gypsies' life-style is changing; many gypsies are now effectively settled (90% of the pitches provided by local authorities in England are residential); and travellers' families' health and education would benefit from a more settled existence. So we are considering whether it may be feasible to introduce a limited form of financial assistance towards permanent housing for gypsies and travellers who vacate pitches on publicly owned caravan sites;

e. letting 100% capital grant continue for schemes approved up to the end of 1993/94, but from 1994/95 for a limited period proposing 50% grant for both public and private sites, subject to a £15,000 ceiling per pitch, an overall cash limit and means-testing of private site grants.

These proposals, which HS has agreed, represent a significant shift of policy, but I believe they are fully justified. The present arrangements are unsatisfactory for local authorities, local communities, landowners and for gypsies and travellers, and they represent a relentless drain on public funds. People also resent the lack of effective powers to act against the unlawful occupation of land. Our proposals offer a continuing incentive to provide sites; greater capacity on existing sites as some families move into permanent housing; swifter action to deal with illegal camping; and the chance of a healthier life-style for gypsies and travellers.

MH
9 March 1992

I am copying this to members of (HS) Committee
DRAFT PQ AND ANSWER

"To ask the Secretary of State for the Environment, whether he will make a Statement about his policy toward gypsy sites".

Answer - Sir George Young

"I shall be publishing shortly a consultation paper setting out my proposals. Copies will be placed in the Libraries of both Houses". My Rt Hon Friend the Secretary of State for Wales will be undertaking similar consultation in Wales.
NEW PROPOSALS TO ENCOURAGE SETTLED WAY OF LIFE FOR NOMADIC GROUPS AND TO TACKLE ILLEGAL OCCUPATION OF LAND PUBLISHED

Proposals to give further encouragement to gypsies and other nomadic groups to adopt a settled way of life, and to tackle problems of illegal occupation of land, were published today by Housing Minister Sir George Young in a consultation paper.

The proposals would:

amend planning guidance so that gypsies are treated by the planning system in the same way as anyone else seeking planning permission;

amend the Caravan Sites Act 1968, removing both the duty on local authorities to provide sites and the Secretary of State's powers to designate and to direct local authorities. The present 100% grant for site provision would be replaced by a 50% per cent grant from 1994/5 for a limited period

explore the introduction of a limited form of financial assistance towards permanent housing for gypsies and travellers who vacate pitches on publicly-owned caravan sites

provide more effective powers to deal with illegal occupation of land by all travellers, with fast-acting powers for magistrates to order the removal of unlawfully parked caravans and their occupants

The Minister commented on the proposals:

"Many gypsies are now effectively settled on residential camp sites. Over the past ten years the number of gypsy caravans stationed on authorised sites has increased by nearly 70 per cent, and it is generally accepted that the health and educational opportunities for children are likely to be improved by a more settled existence.

"We believe, however, that the very success of the Caravan Sites Act has helped encourage the increasing numbers of people who are both taking to a life on the road and flouting the law. There is widespread concern among local authorities and local people at the extent of illegal camping and the limited powers available to act against it."
"A further source of friction is that in some circumstances planning guidance will contemplate gypsy sites in Green Belts, where other residential development would not be countenanced. Gypsies' life-style is changing - many now earn a living from activities such as scrap metal dealing and no longer need to be nomadic.

"The Government has no quarrel with a nomadic way of life, but we do not consider that gypsies should continue to have both a special status in the planning system and a uniquely generous grant for provision of sites.

"Today's proposals will offer a continuing incentive to provide sites; create space on existing sites as families move into permanent housing; provide swifter action to deal with illegal camping; and increase the growing tendency towards a healthier, more settled life-style for gypsies and other travellers."

A copy of the consultation paper is attached.
GYPSY SITES; AND ILLEGAL CAMPING

1. This paper sets out the Government's proposals for reform in relation to the use of land by gypsies and other travellers in England and Wales. The arrangements in the Caravan Sites Act 1968 (the 1968 Act) are not working satisfactorily. Although there are now over 8,500 caravans on authorised sites, compared with just over 5,000 in 1981, site provision is not keeping pace with the growth in the number of gypsy caravans in England and Wales. Indeed, the success of the policy of providing sites has apparently encouraged greater numbers of people to become travellers. When gypsies and other travellers camp or station caravans on land illegally, they can cause aggravation to local people; they may be moved on, but there is no effective means of preventing their return.

2. The main features of the Government's proposals are:

   a. putting gypsies on an equal footing within the planning system with anyone else who needs planning permission to use or develop land (see paragraphs 11-14 below);

   b. improved powers for local authorities to move all illegal campers from land, not just gypsies (paragraphs 15-18);

   c. encouraging gypsies and other travellers to move into more permanent housing (paragraph 19);

   d. restricting the availability of grant for local authority site provision, but making some grant available towards the cost of private sites, for a limited period (paragraph 20).

3. The proposals in this paper are not directed at travelling showpeople, who are expressly excluded from the 1968 Act provisions. DoE Circular 22/91 (Welsh Office 78/91) gives advice
to local authorities about planning considerations relating to travelling showpeople.

Numbers

4. There are 12,700 gypsy caravans in England and Wales, 30% more than there were in 1981. Over 4,000 are on unauthorised sites, only 12% fewer than in 1981, despite a 67% increase since then in the number stationed on authorised sites. In addition, there may be 2,500-5,000 New Age Travellers (NATs), all or most of whom are likely to be camped illegally.

Legislative position

5. The relevant provisions of the Caravan Sites Act 1968 require local authorities in England and Wales to provide sites for gypsies residing in or resorting to their area. The Act defines gypsies quite broadly as "persons of a nomadic habit of life, whatever their race or origin". Local authorities have to decide as a matter of fact and degree in each case whether or not someone is nomadic. A number of authorities' decisions have been challenged in the courts. Not everyone who claims the status of a "gypsy", or every NAT will necessarily fall within the definitions in the 1968 Act.

6. The Act enables the Secretary of State to designate local authorities which have made adequate provision for gypsies in their area, or which he considers need not do so. In the 22 years since the 1968 Act came into force in 1970, only 38% of district councils in England have been designated and only one district council in Wales. The Act also empowers the Secretary of State to direct local authorities which have not provided sufficient sites to do so. Three county councils have been directed.

7. In Scotland there is no equivalent to the Caravan Sites Act 1968. The Secretary of State appoints an 'Advisory Committee on Scotland's Travelling People'; to encourage progress towards targets for pitch provision in Scotland, to monitor progress, and to provide advice to local authorities.
Public perception

8. The extremely anti-social behaviour of some groups of travellers (eg large travelling groups at summer fairs and during the summer solstice) gives all travellers a bad name with the general public. They find most types of traveller uncomfortable and unpopular neighbours because their life-style is non-conforming; their vehicles may be unsightly in the landscape; some of their sites accumulate litter and detritus; and it has been known for their presence in a neighbourhood to coincide with a rise in the level of crime.

Gypsies' life-style

9. In the past, gypsies have provided a useful source of temporary labour for farmers who were content to let them camp on their land during (for example) the fruit-picking season. The mechanisation of agriculture has lessened the scope for gypsies to do this work. Many of them now earn a living from activities which require little start-up investment and can be pursued outdoors, such as scrap metal dealing or laying tarmacadam. Some gypsy families have settled on permanent sites, and a few have moved into permanent housing, but many retain a yearning to travel the open road.

10. The Government has no quarrel with a nomadic way of life. But it sees no case for gypsies to enjoy both an enhanced status within the planning system and a uniquely generous 100% grant for the provision of sites. It is ironic that the 1968 Act was intended to provide a network of sites to enable gypsies to move around; but that gypsies now prefer permanent sites rather than transit sites. 90% of local authority pitches in England are residential.

Proposals: (a) regularising gypsies' planning status

11. Gypsies enjoy a privileged position in the planning system, in that Government advice (DoE Circular 28/77 (Welsh Office 51/77) and DoE Circular 57/78 (Welsh Office 97/78)) recognises
that in some circumstances it may be appropriate to countenance gypsy sites in the Green Belts, where normally the most restrictive regime applies and the types of development allowed are closely circumscribed. This is in the context that local authorities have a specific obligation to make provision for gypsy sites, at public expense.

12. Obtaining planning permission for a gypsy caravan site can be a protracted process. When gypsies purchase land and occupy it before seeking planning permission, local authorities may take planning enforcement action against them. The Planning and Compensation Act 1991 has provided, from January 1992, greatly strengthened planning enforcement powers to remedy any breach of planning control. In particular, improved "stop notice" provisions now enable the local planning authority, for the first time, to prohibit the use of land as a residential caravan site, if necessary immediately. And there is provision for a new type of injunction to be sought against any actual or apprehended breach of control, even where the identity of the person allegedly responsible for the breach is unknown. It will be some time before the effect of these improvements can be properly assessed.

13. NATs and others who camp temporarily on land may claim or believe that they are doing so under the General Development Order 1988 (GDO) which allows land to be used for most purposes for up to 28 days a year without the need to obtain specific planning permission. But this GDO permission expressly prohibits the use of land for a caravan site.

14. The Government considers that the present degree of positive discrimination in favour of gypsies should not continue. There is no reason why gypsies should not encounter the planning system on the same terms as anyone else who seeks planning permission to use land or to undertake development. Accordingly, the Government proposes to amend the relevant planning guidance to local authorities.
(b) amending the 1968 Act; enhanced powers against illegal camping

15. Despite the Government's urging local authorities into action and the availability of 100% grant for the capital costs of sites, the provision of sites for gypsies is not keeping pace with demand under the present regime. The 1968 Act arrangements have caused tension between gypsy interests on one hand and local authorities and local communities on the other. Accordingly, the Government proposes to amend the 1968 Act to remove both the provisions which put a duty on local authorities to provide sites, and the Secretary of State's powers to designate and direct local authorities.

16. At present, an authority which is designated under the 1968 Act has access to fast-acting powers enabling a magistrates court to order the removal of unlawfully parked caravans and their occupants from land. The Government considers that such powers should be more widely available. Travellers who invade land may cause much damage, and distress to the landowner (or an occupier such as a tenant farmer) and/or to local people. But trespass is not a criminal offence in England and Wales (whereas in Scotland it is an offence to lodge or encamp on land without consent of the owner or legal occupier). Apart from planning enforcement powers, a landowner who is aggrieved by illegal camping can only seek redress by initiating a civil action at his own expense. This avenue is of no help where the landowner concerned does not object to the camping, but his neighbours do, or where the landowner is absent or unknown. The Public Order Act 1986 includes provisions enabling the police to take action where aggravated trespass on land occurs. These powers are discretionary, and it is an operational decision for the senior police officer locally whether to use the available powers.

17. The Government considers that the existing powers described above provide insufficient means to respond effectively and speedily to illegal occupation of land by gypsies and other travellers. Accordingly, it is proposed that the powers at present available to designated authorities should be extended
to all local authorities and highway authorities. In addition, the Government proposes that authorities should have the right, without a court order, to use bailiffs and/or local authority officers to evict from land anyone who is occupying it without the owner's consent, or from common land, and that the courts should have power to prohibit return to any unauthorised site within 1 or more miles (the courts would have discretion to stipulate the distance) for a period of 2 years. Where a landowner is absent, or unknown, or does not mind the use of his land by travellers (but his neighbours or the local community do), there may be scope for action under the Environmental Protection Act 1990 if the travellers commit a statutory nuisance. But the Government invites views on whether, in the circumstances described, it might be appropriate to provide for a magistrates' court to order eviction without the landowner's consent. Plainly, it would be important to ensure that all these enhanced powers to deal with illegal camping were used effectively.

18. The penalty for failure to comply would be a fine. Failure to pay the fine could result in enforcement action, including imprisonment for default as a last resort. But these sanctions would perpetuate the problem. The Government therefore invites views on the proposal that local authorities should be empowered, as a last resort, to use bailiffs and/or local authority officers to impound caravans which were not moved or which returned. Such action would only be contemplated if it was feasible, and operationally practicable, and when every other remedy had been explored. The Government accepts that such action could result in homelessness, with implications for local authorities' responsibilities under Part III of the Housing Act 1985, but impounding is envisaged only if all other action has failed.

(c) encouraging movement into more permanent housing

19. Gypsies' life-style is changing. There are fewer opportunities for peripatetic work on farms, and in several parts of the country development pressure has progressively reduced the number of informal stopping-places for gypsies and other
travellers. The Government recognises that gypsies and other travellers wish to continue to be able to live a nomadic existence, but many gypsy families are now settled on permanent sites and some have moved into permanent housing. The Government believes that gypsy and other travelling families will benefit from a more settled existence: both their health and the educational opportunities for their children are likely to be improved. Accordingly, the Government is considering whether it might be feasible to introduce a limited form of financial assistance towards permanent housing for some gypsies and travellers who vacate pitches on publicly-owned caravan sites. Housing Associations may have a role here. To facilitate educational opportunities for traveller children, priority for places on public authorised sites might be given to travellers with children of compulsory school age.

(d) grant for private sites

20. The number of caravans on private gypsy sites in England and Wales has increased by 95% from 1,400 in 1981 to some 2,700; caravans on local authority sites have gone up 56% from about 3,800 to nearly 6,000 over the same period. The Government proposes that 100% grant should continue to be available for the capital costs of sites provided by local authorities for a limited further period, perhaps for schemes approved up to the end of 1993/94. From 1994/95 it is proposed that both private and public sites should qualify for 50% grant for a limited period, up to a £15,000 ceiling per pitch, subject to an overall cash limit and to means-testing of private site grants. The total cost to the Exchequer should show a reduction over the public expenditure survey period. All sites funded by grant would have to remain available for use by travellers.

Expenditure consequences

21. Public expenditure provision for gypsy site grant in England and Wales in 1992/93 is £13.5m. The proposals in this paper are likely to entail expenditure of some £10-11m in 1992/93 and 1993/94, falling to perhaps £5m by 1995/96. These figures assume
reduced demand in 1992/93 and 1993/94, as local authorities see less incentive to provide sites, and further reduction in later years as grant reduces to 50%. The figures include provision for an incentive scheme that might be run on the lines of the Tenants Incentive Scheme payments by housing associations.

General

22. The Government recognises that the proposals in this consultation paper represent a significant shift of policy. The changes proposed are justified, in the Government's view, because the present arrangements are satisfactory neither for local authorities, for local communities, for landowners, nor for gypsies and travellers. They are a relentless drain on taxpayers' funds, and the public resents the unlawful occupation of land which is the result of ineffective enforcement provisions.

23. Accordingly, the Government believes that the proposals in this paper are a better way forward. They offer a continuing incentive to provide sites; greater capacity on existing sites as some families move into permanent housing; swifter action to deal with illegal camping; and the chance of a healthier lifestyle for gypsies and travellers.
GYPSY SITE ACCOMMODATION:


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(28.2.92)
England & Wales - Designation under Section 12 Caravan Sites Act 1968
England and Wales

Local authority gypsy sites
Numbers by County

England: 283 sites
Wales: 18 sites
PRIME MINISTER

GYPSY SITE POLICY

On Wednesday you saw a note from Carolyn about DOE plans to publish a consultation paper proposing changes in gypsy site policy. There are considerable political attractions in taking action, but also some difficulties. Carolyn recommended that the document not be published until after the election. A short statement in the Manifesto would state that the 1968 Caravan Sites Act would be reviewed. You agreed with Carolyn.

Michael Heseltine has been working hard since then to secure the agreement of colleagues, despite your suggestion that the document should not be published. He is close now to agreement and is keen for the document to be published, and a Commons statement to be made, on Monday. He has therefore asked if you would consider it again.

The consultation paper will propose:

- removing the obligation on local authorities to provide sites for gypsies; ✔️
- giving all local authorities the power to act against illegal gypsy and traveller encampments; ✔️
- speeding up the process of removal by allowing the local authority to evict without first obtaining a court order; ✔️
- restricting the availability of grant for local authority site provision; ✔️
- encouraging gypsies and other travellers to move into more permanent housing.

As Carolyn has pointed out, the net effect of the package may be simply to move the problem around the country as in a game of
"pass the parcel". Encouraging gypsies to take up permanent accommodation will lead to pressure for further spending on social housing.

Monday may be the final opportunity for a Commons statement, hence the rush. However it is rather unsatisfactory - the final version of the consultation paper and a first draft of the statement are being written this weekend, and we will not see them until Monday morning. There is a danger, given how high the political profile for such a statement will be, that any failure to prepare the argument fully in the rush to print will be rapidly exposed. However it is mainly a political judgement whether to publish before the election is called or not.

Prefer to still delay publication, or agree to publication subject to final agreement Monday morning of document and statement?

\[ We'll decide when we see document on Monday. \]

PP R. hingham

MARK ADAMS

7 March 1992

C:\HOME\GYPSY (ECL)
5 March 1992

Dear Phillip,

The Prime Minister has seen Sir George Young's minute of 3 March to the Lord President on gypsy site policy. He is also aware of the points raised in HS committee, and the comments made by Mr Ward in his letter of 3 March.

The Prime Minister has commented that he would not wish the proposed consultation document to be published in the next few weeks.

I am copying this letter to the Private Secretaries to members of HS, Guy Lester (Ministry of Defence) and Sonia Phippard (Cabinet Office).

Yours

Mark Adams

Phillip Ward Esq
Department of the Environment.
POLICY IN CONFIDENCE

PRIME MINISTER

4 MARCH 1992

GYPSY SITE POLICY

The DOE want to publish a consultation paper proposing changes in gypsy site policy tomorrow, 5 March. George Young's letter to colleagues on HS was not copied to you.

There are considerable political attractions in acting against illegal camping by gypsies and other travellers. The numbers are growing. But colleagues have rightly seen a number of problems in the course proposed by Michael Heseltine (I should perhaps say courses, since his proposals have radically changed in the space of a few weeks). The difficulties inherent in the approach set out in the draft consultation document will quickly become apparent. It would be much better not to publish this until after the Election. The Manifesto simply says that we will review the 1968 Caravan Sites Act.

Background

After some toing and froing in HS, the approach Michael Heseltine now proposes involves:

- removing the obligation on local authorities to provide sites for gypsies;

- giving all local authorities the power to act against illegal gypsy and traveller encampments which at present is only open to those who have provided sites (and have therefore been designated);

- speeding up the process of removal by allowing a local authority to send in the bailiffs at the
POLICY IN CONFIDENCE

landowner’s request without having first obtained a court order from the magistrates;

- restricting the availability of grant for local authority site provision;

- encouraging gypsies and other travellers to move into more permanent housing (there is a hint that there might be some money for this).

The proposed power for local authorities to send in the bailiffs at the landowner’s request without waiting seven days or so for a court order will be popular with those who have suffered from illegal encampments. But the net effect of this whole package, as your colleagues quickly saw, was that gypsies and other travellers will simply be moved around the country as in a game of “pass the parcel”. There are not enough legal camp sites for them now, and nothing is being done to increase the supply of such sites. Rather the reverse. Encouraging gypsies to take up permanent accommodation is all very well, but it is likely to lead to pressure for further spending on social housing.

Various people in HS commented that once it became clear to local authorities and magistrates that they were simply exporting the problem of illegal encampments off their patch and on to someone else’s, they might be reluctant to make use of the quite draconian powers which Michael Heseltine is proposing to provide.

Conclusion

George Young’s letter of 3 March crossed with a letter of the same date from Francis Maude which concluded:

- “On a subject with such a high political profile, it would be imprudent to rush into print until we have fully prepared our arguments. Publication [in
I think Francis Maude is right. If you agree, your Private Secretary could write saying that the proposed consultation document should not be published in the next few weeks.
GYPSY SITE POLICY

As the Secretary of State is in New York, I am circulating for final comment the draft consultation paper on gypsy site policy. At the discussion on 25 February, HS Committee welcomed the revised proposals, but a few issues remained to be resolved. We were asked to circulate a further version before publication. The new draft, enclosed with this letter, reflects comments received at official level from other Departments.

I am now asking colleagues to agree that we may press ahead with publication of the paper and to let me have any last minute comments.

We should like if possible to publish the paper for consultation by means of a brief written PQ and Answer on Thursday 5 March. A draft is enclosed. We should also aim to hold a Press Conference.

Copies of this letter go to members of HS Committee, Tom King and Sir Robin Butler.

SIR GEORGE YOUNG
(Approved by the Minister and signed in his absence)

The Rt Hon John MacGregor OBE MP
POLICY: IN CONFIDENCE

DRAFT PUBLIC CONSULTATION PAPER

GYPSY SITES; AND ILLEGAL CAMPING IN ENGLAND AND WALES

1. This paper sets out the Government’s proposals for reform in relation to the use of land by gypsies and other travellers. The arrangements in the Caravan Sites Act 1968 (the 1968 Act) are not working satisfactorily. Although there are now over 8,500 caravans on authorised sites, compared with just over 5,000 in 1981, site provision is not keeping pace with the growth in the number of gypsy caravans in England and Wales. The success of the policy of providing sites has apparently encouraged greater numbers of people to become travellers. When gypsies and other travellers camp or station caravans on land illegally, they can cause aggravation to local people; they may be moved on, but there is no effective means of preventing their return.

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   a. putting gypsies on an equal footing within the planning system with anyone else who needs planning permission to use or develop land (see paragraphs 8-11 below);

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9. Obtaining planning permission for a gypsy site can be a protracted process. When gypsies purchase land and occupy it before seeking planning permission, local authorities may take planning enforcement action against them. The Planning and Compensation Act 1991 has provided from January 1992, greatly strengthened planning enforcement powers to remedy any breach of planning control. In particular, improved "stop notice" provisions now enable the local planning authority, for the first time, to prohibit the use of land as a residential caravan site, if necessary immediately. And there is provision for a new type of injunction to be sought against any actual or apprehended breach of control. It will be some time before the effect of these improvements can be properly assessed.

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13. At present, an authority which is designated under the 1968 Act has access to fast-acting powers enabling a magistrates court to order the removal of unlawfully parked caravans and their occupants from land. The Government considers that such powers should be more widely available. Travellers who invade land may cause much damage and distress to the landowner (or an occupier such as a tenant farmer) and/or to local people. But trespass is not a criminal offence in England and Wales (whereas in Scotland it is an offence to lodge or encamp on land without consent of the owner or legal occupier). Apart from planning enforcement powers, a landowner who is aggrieved by illegal camping can only seek redress by initiating a civil action at his own expense. This avenue is of no help where the landowner concerned does not object to the illegal camping, but his neighbours do, or where the landowner is absent or unknown. The Public Order Act 1986 includes provisions enabling the police to take action if there is, or there is a risk of, public disorder, but it is for the local police officer to decide whether to make use of these discretionary powers.

14. The Government considers that the existing powers described above provide insufficient means to respond effectively and speedily to illegal occupation of land by gypsies and other travellers. Accordingly, it is proposed that the powers at present available to designated authorities should be extended to all local authorities and highway authorities. In addition, the Government proposes that authorities should have the right, without a court order, to use bailiffs and/or local authority officers to evict from land anyone who is occupying it without the owner’s consent, or from common land, and that the courts should have power to prohibit return to any unauthorised site within 10 miles for a period of 2 years. Where the landowner is colluding, or absent, or unknown, the same right should be available only with an order from the magistrates court. There may be scope for adopting some of the features of Scottish
legislation, under which no procedures are prescribed for establishing the owner's title to property.] Plainly, it would be important to ensure that these enhanced powers to deal with illegal camping were used effectually; and that magistrates courts should make such orders where appropriate.

15. The penalty for failure to comply would be a fine. Failure to pay would create a further offence which might entail imprisonment. But these sanctions would perpetuate the problem. The Government therefore proposes that local authorities should be empowered to use bailiffs and/or local authority officers in the last resort to impound caravans which were not moved or which returned. It accepts that such action could result in homelessness, with implications for local authorities' responsibilities under Part III of the Housing Act 1985, but impounding is envisaged only if all other action has failed.

(c) encouraging movement into more permanent housing

16. Gypsies' life-style is changing. There are fewer opportunities for peripatetic work on farms, and in several parts of the country development pressure has progressively reduced the number of informal stopping-places for gypsies and other travellers. The Government recognises that gypsies and other travellers wish to continue to be able to live a nomadic existence, but many gypsy families are now settled on permanent sites and some have moved into permanent housing. The Government believes that gypsy and other travelling families will benefit from a more settled existence: both their health and the educational opportunities for their children are likely to be improved. Accordingly, the Government is considering whether it might be feasible to introduce a limited form of financial assistance for some gypsies and travellers who vacate pitches on publicly-owned caravan sites. Housing Associations may have a role here. To facilitate educational opportunities for Traveller children priority for places on public authorised sites might be given to Travellers with children of compulsory school age.
(d) grant for private sites

17. The number of caravans on private gypsy sites in England and Wales has increased by 95% from 1,400 in 1981 to some 2,700; caravans on local authority sites have gone up 56% from about 3,800 to nearly 6,000 over the same period. The Government proposes that 100% grant should continue to be available for the capital costs of sites provided by local authorities for a limited further period, perhaps for schemes approved up to the end of 1993/94. From 1994/95 it is proposed that both private and public sites should qualify for 50% grant for a limited period, up to a £15,000 ceiling per pitch, subject to an overall cash limit and to means-testing of private site grants. The total cost to the Exchequer should show a reduction over the public expenditure survey period. All sites funded by grant would have to remain available for use by travellers.

Expenditure consequences

18. Public Expenditure provision for gypsy site grant in England and Wales in 1992/93 is £13.5m. The proposals in this paper are likely to entail expenditure of some £10-11m in 1992/93 and 1993/94, falling to perhaps £5m by 1995/96. These figures assume reduced demand in 1992/93 and 1993/94, as local authorities see less incentive to provide sites, and further reduction in later years as grant reduces to 50%. The figures include provision for an incentive scheme that might be run on the lines of the Tenants Incentive Scheme payments by housing associations.

General

19. The Government recognises that the proposals in this consultation paper represent a significant shift of policy. The changes proposed are justified, in the Government’s view, because the present arrangements are satisfactory neither for local authorities, for local communities, for landowners, nor for gypsies and travellers. They are a relentless drain on taxpayers’ funds, and the public resents the unlawful occupation
of land which is the result of ineffective enforcement provisions.

20. Accordingly the Government believes that the proposals in this paper are a better way forward. They offer a continuing incentive to provide sites; greater capacity on existing sites as some families move into permanent housing; swifter action to deal with illegal camping; and the chance of a healthier lifestyle for gypsies and travellers.

Homelessness Policy Division
Department of the Environment
February 1992
England & Wales - Designation under Section 12 Caravan Sites Act 1968
England and Wales

Local authority gypsy sites
Numbers by County

England: 283 sites
Wales: 18 sites
GIPSY SITE POLICY

At H(S) Committee I promised to write setting out some of the points I wanted to make on your draft outline of a consultation paper on gipsy site policy and illegal camping.

I strongly endorse the idea of issuing a public consultation paper. The draft outline recognises that the continually increasing demand for sites needs to be addressed, that the existing legislation is unpopular, that local authorities have inadequate power to act against illegal camping and that the increasing burden on public expenditure needs to be curtailed.

Positive features

The draft outline is a substantial improvement on the earlier H(S) paper: it considers the problems posed by the very definition of the term 'gipsy' (now taken to embrace the New Age Traveller) and of illegal occupation of land in the wider sense (trespass); its proposals would put an end to the anomalous position of gipsies in the planning system; and it would see public expenditure provision reduced by halving the rate of Gipsy Site Grant, capping it at a limit per site and per pitch, and introducing means-testing for private site grants. Although the draft outline does not dwell in the subject, it does make passing reference to a limited incentive scheme to persuade gipsies to forsake their caravan sites for more permanent accommodation. I can only agree that, however it is achieved, choking off demand must be a better solution than (temporarily) increasing supply as the earlier paper suggested.

Further improvements

Nevertheless, the outline will need significant development and amplification before it can be issued as a consultation document. First, it needs to set out the background to the problems posed by provision of gipsy sites and the legislation devised to cope with these problems. It should be emphasised that the legislation, of
which a brief resume would be invaluable, refers to England and Wales; and the position regarding 'travelling people' in Scotland should be summarised (Scottish Office Circular No. 7/1992, among others, refers). Also, an annex of basic data should be appended. I would suggest that this should cover (1) the statistics of numbers of gipsies, caravans and sites (public as well as private where known) as a function of time and location - a map showing their distribution would be useful; (2) composition of encampments: percentage of Romany gipsies, duration of occupancy, population per site and per pitch; (3) proportion of unauthorised camping broken down by authority, as well as percentage of cases successfully brought; (4) designated authorities; (5) amount of Gipsy Site Grant per site, per county and per year.

Second, the most important changes which the new proposals would introduce and ought to be aired in a forthright fashion. You tangentially raise the issue of a new law of trespass; but in view of the furore which this could arouse, the consequences (eg, for squatting and rural trespass) ought to be worked out in greater detail. It should also be made much clearer that under the new regime local authorities would no longer be subject to a statutory duty to provide an adequate number of caravan sites; and that you would have powers of designation and direction revoked. In addition, very little is made of the incentive scheme for gipsies and travellers to settle down into permanent accommodation - a vital element in stemming future demand for sites - and the connection with housing associations ought to be more thoroughly explored.

Third, the financial and manpower implications for Government and for local authorities should be examined in greater detail. What would be the effect on public expenditure through housing benefit, new-build requirement and additional health and education provision for gipsies who adapt to lifestyles in permanent housing?

**Other questions**

Some other questions need to be explored before the consultation paper can be drafted, among them:

- What would be the fall-back position should gipsies fail to respond to Government encouragement to move into permanent accommodation, with correspondingly low take-up rate on the incentive scheme? If supply of sites cannot hope to match rising demand, the only solution must be to stem demand.

- What would be the position if, on the contrary, take-up on the incentive scheme were much higher than predicted? Is there a danger that net public expenditure would not be substantially reduced, but merely channelled from provision of sites into provision of social housing?

- Should future legislation distinguish among the different types of gipsy which your draft outline identifies? Or do we want to subsidise New Age Travellers in the same way and at the same rate as
POLICY IN CONFIDENCE

Romany gipsies? If we are reluctant to risk the political consequences of redefinition, should legislation in future refer to 'travelling people' as in Scotland rather than to the potentially misleading term of 'gipsies'?

- Once the statutory duty placed on local authorities to provide caravan sites is annulled, how would their present duty to maintain and renovate existing sites be treated? What would be the future of Green Belt sites already occupied once gipsies lost their privileged status for planning purposes?

Conclusion

On a subject with such a high political profile, it would be imprudent to rush into print until we have fully prepared out arguments. Publication next month as your memorandum proposed in my view may be precipitate. I would be grateful if my officials could see a revised draft in due course.

I am copying this letter to members of H(S) Committee, Tom King and Sir Robin Butler.

FRANCIS MAUDE
The Rt Hon Kenneth Baker MP
Home Secretary
Home Office
Queen Anne’s Gate
London SW1

10 JAN 1992

GIPSY SITE POLICY

You will have seen the letter I have today sent to the Lord Privy Seal proposing changes to the existing legislation governing the provision of gipsy sites. In the letter I made reference to the need to deal with illegal camping. This came up in discussions with the Prime Minister this morning. We must consider this urgently and I attach a paper which my officials have prepared on the existing situation and the proposals for change.

I suggest that we discuss this as soon as possible.

MICHAEL HESELTINE
CONTROL OF ILLEGAL CAMPING

A. THE PRESENT SITUATION

Illegal camping on land owned by others

1. The relevant existing provisions for dealing with illegal camping on land owned by others are: the civil law relating to trespass; the Caravan Sites Act 1968; Section 39 of the Public Order Act 1986.

Civil law relating to trespass

2. Trespass is usually a matter for the civil law. Landowners who believe that their property is unlawfully occupied by trespassers may apply to the County or High Court for an Order of Possession. This Order will require the trespassers to leave the property either immediately or within whatever time limit the Court considers reasonable. The landowner may apply for damages at the same time as such an Order. Special procedures are available to help landowners gain possession. It is also possible to apply directly to a judge, in case of an emergency, or to apply for an injunction.

The Caravan Sites Act 1968

3. 38 per cent of English Districts and Metropolitan authorities and London Boroughs are designated under the Caravan Sites Act 1968. In these areas:

Gypsy camping on highway land, unoccupied land and other privately owned land without the consent of the occupier, is a criminal offence, punishable by a fine on summary conviction

in such cases of illegal camping, the local authority may apply to the magistrates' court for an Order requiring the removal of the illegally parked caravans and those living in them.

The Public Order Act 1986

4. Section 39 of the Public Order Act 1986 gives the police discretionary power to deal with aggravated trespass by giving trespassers a direction to leave the land. Its use is not a substitute for the normal civil measures which are open to landowners. It does not make trespass itself a criminal offence. For an offence to arise: at least two trespassers must be involved; they must be there with the purpose of residing on the land; and the landowner must have taken reasonable steps to ask them to leave. In addition they must either have caused damage; or behaved in a threatening way; or have brought more than 12 vehicles with them. It is an offence for a trespasser to return to the land within three months of being given direction to leave by the police.
Illegal camping by the landowner in breach of planning control

5. Local planning authorities have the discretionary power to control breaches of planning control by taking enforcement action. To be fully effective, LPAs need to act speedily and efficiently. The improved enforcement package provided by the Planning and Compensation Act 1991, will be helpful to LPAs. The following measures (expected to come into force in January 1992) have been aimed particularly at unauthorised camping:

a) a planning authority will be able to seek a High Court or County Court injunction against an actual or threatened breach of planning control, including an injunction against 'persons unknown'.

b) a planning authority may serve a stop notice applying to residential caravan sites in breach of planning control and subject to an enforcement notice, requiring the use of the site to cease immediately.

c) an increased summary maximum penalty of £20,000 (previously £2,000) for the main planning enforcement offences.

6. Problems in enforcement can arise through difficulties in tracing elusive landowners; and when skilled appellants or their agents exploit procedure to cause maximum delay in their interests. The improved package under the Planning and Compensation Act 1991 limits the scope for delay by streamlining the system, and increases powers to deal with persons unknown.

Comment on present situation

7. This range of powers offers more scope for action within existing legislation than may be realised. But the powers are subject to criticism, in particular: not sufficient deterrent to illegal camping; too slow; gipsies just come back to land they have left or move 50 yards away; local authorities and/or the police are reluctant to use the powers available to them. The powers available to local authorities under the Caravan Sites Act to deal with illegal camping are criticised, inter alia, on the specific grounds that it takes at least 5-7 days to obtain a court order, in some cases more, and that authorities need to apply for a new order for each new offence. The main reason why the powers provided by the Act are not more effective is that they are not available to most authorities - less than 40% are designated.
B. OPTIONS FOR STRENGTHENING POWERS

8. The options for strengthening existing powers include the following:

(1) Strengthen effect of Court Order

Strengthen the powers currently available to designated authorities; eg: (a) to provide for a magistrates' Court Order to apply indefinitely to the piece of land which illegal camping has taken place, to prevent re-occupation; or (b) to extend the effect of an Order to areas close by, to prevent gipsies moving a short distance.

(2) Summary powers for local authorities

A more extreme version of option (1) would be to give authorities who have met their site provision targets summary powers to remove illegally parked caravans, without the requirement of a Court Order.

(3) Increased penalties

Alternatively, or in addition to option (1), it would be possible to increase penalties for illegal camping in areas where targets have been achieved, for example: (a) heavier fines for repeated offences; or (b) give powers to impound vehicles and/or caravans belonging to repeat offenders, until expenses of illegal camping paid.

Comments on options

9. The tougher the extra powers, the more potentially effective the deterrent - and the more controversial it would be to legislate for them. The most promising of the above options seem to be 1(a) and 3(a) but Ministers may wish to see them all in play. A power to impound caravans would be the most serious penalty and would clearly give rise to problems of its own - where to put the families concerned, for example - but it is clearly a potential candidate in cases of serious offenders.