



Newsletter of the Travellers Advice Team at Community Law Partnership

No. 32 - Spring 2016

Travellers Advice Team national telephone helpline for Gypsies and Travellers
0121 685 8677 Monday - Friday 9am - 5pm
No operator service. Get straight through to an expert.



Defining Travellers out of Existence

As regular readers will be aware, we have been seeking for some time to get legal aid for three Gypsies and Travellers who wish to challenge the new definition of Gypsy and Traveller for planning purposes which was imposed by the Government on August 31 2016. The new definition excludes those who have stopped travelling permanently for reasons of old age, illness or disability (who were previously included within the definition). For two of these clients, the original application was refused and we appealed against that refusal. The appeal was dismissed by the Legal Aid Agency (LAA). We felt that that dismissal was totally unreasonable and threatened a judicial review application against the LAA. The decision was withdrawn and the matter returned to a new adjudicator. The third application was then joined with that matter. On the 4 May 2016 the new adjudicator refused the application again but this time for a different reason. We have now threatened judicial review yet again against the LAA with regard to these refusals.

TAT remain very interested in hearing from any Gypsies and Travellers who are adversely affected by the new definition e.g. by having planning permission refused or by being excluded from a Gypsy and Traveller Accommodation Needs Assessment. We would urge any such Gypsies and Travellers to phone us on our

advice line and we are happy to discuss these issues on our advice line with Gypsies and Travellers or with members of support groups.

The new definition has led to a position where the organisation ORS have come up with Gypsy and Traveller Accommodation Needs Assessment (GTANAs) in Old Oak and Park Royal Development Corporation and in London Borough of Newham stating that there is no need for any pitches! The new definition is, thus, being used to deny Gypsies and Travellers access to site provision and it is essential that this discriminatory and unreasonable definition is challenged.

Green Belt Cases

In the case of *Moore and Coates v Secretary of State for Communities and Local Government (SSCLG)* [2015] EWHC 44 (Admin) Mr Justice Gilbert decided that the former SSCLG, Eric Pickles MP had acted unlawfully and discriminated against Gypsies and Travellers when he recovered all planning and enforcement notice appeals relating to Gypsy and Traveller sites in the Green Belt for his own determination.

The case of *Mulvenna and Smith v SSCLG and EHRC* [2015] EWHC 3494 (Admin) concerned two of the other Gypsy and Traveller families whose planning appeals had been recovered and then dismissed by Mr Pickles. When the families were informed of the decision in *Moore and Coates* they asked Mr Pickles to revoke the planning appeal decisions he had made in their cases. Mr Pickles refused to do so, saying that he had no power to change his decision once it had been made. The families applied to the High Court for judicial review and asked the Court to rule that Mr Pickles had the power to revoke his decisions. In the alternative, if the Court concluded that Mr Pickles was right and he had no such power to revoke his decisions, then the families asked the Court to quash the decisions on the ground that they were based upon his unlawful recovery of their appeals.

The case was heard by Mr Justice Cranston. Unfortunately, the judge dismissed the families' case on grounds that: their claims were issued out of time; in any event Mr Pickles had no power to revoke his decisions; and, even if his recovery decisions were unlawful, he had the power nevertheless to reach lawful appeal decisions.

Fortunately the families have been granted legal aid to pursue an appeal to the Court of Appeal (funding granted by an independent funding adjudicator, following a protracted dispute with the Legal Aid Agency) and hopefully justice will be done on appeal later this year. There are a number of other similar cases which have been stayed pending the outcome of the appeal and so the decision of the Court of Appeal will have far reaching implications. Watch this space!

Marc Willers QC and Tessa Buchanan of Garden Court Chambers represented the two families and were instructed by Rhiannon Jones of Lester Morrill solicitors.



‘Off the Cut’

This short film concentrates on the issues which the Travellers Advice Team, amongst other things, advise boat dwellers on and we are happy to hear from boat dwellers who are facing injunction action by Canal and River Trust (CRT) because CRT state that they are not complying with their “Continuous Cruising Guidance”. It should be noted in the film that Mr Symonds for CRT incorrectly states that they are not a public authority. You can find the film here:- <https://www.youtube.com/watch?v=5upAf7waaLg&feature=youtu.be>.

News in Brief

- **Boatdwellers’ Protest** - Following increased enforcement action by Canal and River Trust (CRT) against boat dwellers there are protests outside two CRT offices on May 10. For more details, see the National Barge Travellers Association website: <http://www.bargee-traveller.org.uk/protest-at-canal-river-trust-offices-10th-may/>
- **Travellers’ March** - Following the introduction by the Government of the new definition of Gypsy and Traveller, a march is taking place in London on May 21. For more details, see the Traveller Movement website at: <http://travellermovement.org.uk/index.php/events/dosta-the-gypsy-roma-traveller-demonstration-21st-may-2016/>
- **All Party Parliamentary Group on Gypsy Roma Travellers** - Here is an update from the APPG’s secretary, Gill Brown:

Election Neil Coyle (Labour) was elected Chair. Baroness Angela Harris (Lib Dem) agreed to become an Officer . Both members were thanked for stepping forward into these roles. The APPG is now formally re-registered. For more information about the APPG please contact Gill at info@travellerslaw.org.uk.

- **Housing and Planning Bill**

There is a report on the CLP website of the excellent House of Lords debate regarding Gypsy and Traveller Accommodation Needs Assessments: <http://www.communitylawpartnership.co.uk/noticeboard/news/364-housing-and-planning-bill-2016>

- **Equality and Human Rights Commission report**

An important report from the EHRC on Gypsy and Traveller issues is reported on the CLP website: <http://www.communitylawpartnership.co.uk/noticeboard/news>

- **Travelling to a Better Future**

The Welsh Government have produced an update on their strategy for Gypsies and Travellers: <http://www.communitylawpartnership.co.uk/noticeboard/news>

- **Winterstein v France**

There is a report on the CLP website on the damages awarded to the Travellers who were successful in this important European Court of Human Rights Article 8 case: <http://www.communitylawpartnership.co.uk/article-8/365-winterstein-v-france>

- **Thurrock BC v SSCLG & Ward**

This recent high court planning case is reported on the CLP website: <http://www.communitylawpartnership.co.uk/traveller-planning/360-thurrock-borough-council-v-secretary-of-state-for-communities-and-local-government-and-ward>

Des Smith



Des Smith has worked for many years as a paralegal in the Housing Team at CLP and has done sterling work. Previously, both when the team was at McGrath & Co and at CLP, Des worked for the Travellers Advice Team. Des retired on Friday 29 April 2016. Here is a piece by Marc Willers QC about the work done by Des:-

I have just learnt that Des is retiring from CLP and wanted to add my thanks to him for the tremendous contribution he made to the development of the law and subsequent government policy which helps ensure that Gypsies and Travellers cannot

be evicted by the police and local authorities without first having carried out welfare enquiries and taken account of considerations of common humanity before deciding whether an eviction is necessary and proportionate.

By the time that I started being instructed by CLP Des had already blazed a trail across the country, preventing countless unnecessary evictions by making police and local authorities aware of their legal responsibilities and taking legal action to stop them in their tracks when they ignored his good advice.

I know that Des has done great things since then in CLP's Housing Team and others will testify to that but I would like to thank him once again for the groundwork he, as an original member of TAT, did which has made the lives of countless Gypsies and Travellers a lot more tolerable.

Travellers Times Law Blogs

Marc Willers QC of Garden Court Chambers, Dr Simon Ruston and Chris Johnson of TAT provide regular law blogs for Travellers Times website. Here is a recent blog:- <http://travellerstimes.org.uk/Blogs--Features/The-Travellers-Champion.aspx>.

The Travellers Advice Team

The members of TAT are Chris Johnson, Parminder Sanghera and Sharon Baxter. The TAT Administrator is Emma Westwood and thanks to Emma for producing this Bulletin.

CLP Website

On our website you can find:

- News items about Gypsy and Traveller issues:

<http://www.communitylawpartnership.co.uk/noticeboard/news>

- Updates on campaigns and consultations:

<http://www.communitylawpartnership.co.uk/noticeboard/campaigns-and-consultations>

- Recent Gypsy and Traveller legal cases:

<http://www.communitylawpartnership.co.uk/noticeboard/gypsy-and-traveller-cases>

- Judgments and reports on our leading cases:

<http://www.communitylawpartnership.co.uk/our-leading-cases>

- Links to Gypsy and Traveller groups:

<http://www.communitylawpartnership.co.uk/links/travellers>

- And , of course, previous TAT News E Bulletins:

<http://www.communitylawpartnership.co.uk/links/tat-news>

- Plus lots of information about the Housing and Public Law Teams who, amongst other things, represent Gypsies and Travellers in housing and

homeless Gypsies and Travellers who are seeking housing in the Midlands and surrounding areas. For full details of the Housing Team see:

<http://www.communitylawpartnership.co.uk/our-services/housing-law>

and the Public Law Team see:

<http://www.communitylawpartnership.co.uk/our-services/public-law>

Until Next Time

We hope you find our E-Bulletin useful. All and any comments very welcome.

Don't forget our national self-funded advice line for Gypsies and Travellers:

0121 685 8677

Monday to Friday 9am to 5pm

Keep up the good fight! Best wishes to all our readers. Kushti bok!

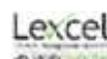
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TRAVELLERS ADVICE TEAM
NATIONAL TELEPHONE HELPLINE FOR GYPSIES AND
TRAVELLERS



Tel:- 0121 685 8677

Monday to Friday 9.00 am to 5.00 pm

The Travellers' Advice Team (TAT) at Community Law Partnership (CLP) provide advice and representation to Gypsies and Travellers throughout England and Wales in the following areas:-

- Evictions from unauthorised encampments;
- Evictions from rented sites (local authority, housing association and private);
- Serious disrepair on rented sites;
- High Court Planning Appeals;
- Planning Injunctions;
- Stop Notices and direct action;
- Homelessness (including for those in houses who need a pitch);
- Allocation of pitches on local authority sites and increases in pitch fees;
- Cases for boatdwellers especially concerning the Continuous Cruising Guidance.

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