

# TAT NEWS

No. 28    *December 2021*



Newsletter of the Travellers Advice Team at Community Law Partnership

National telephone helpline for Gypsies and Travellers

**0121 685 8677**

Monday - Friday 9am - 1.00 pm

No operator service. Get straight through to an expert.

In your December issue...

- The definition of Gypsy and Traveller
- Wide injunctions
- Canal and River Trust Terms and Conditions of the Boat Licence
- Criminalisation of Trespass
- The COVID-19 Pandemic

## ART WORK

We would very much like to publish art work and photographs of Gypsy and Traveller life.

Please send any items you would like to be considered to [office@communitylawpartnership.co.uk](mailto:office@communitylawpartnership.co.uk) and mark them for the attention of 'TAT News Team'.

Many thanks,  
TAT News Team

# THE DEFINITION OF GYPSY AND TRAVELLER

As regular readers will know, Lisa Smith lost her planning appeal mainly due to the fact that the Planning Inspector concluded that she did not come within the new definition of Gypsy and Traveller under *Planning policy for traveller sites* (August 2015).

Ms. Smith appealed to the Court of Appeal and we are very pleased to inform you all that, on 14<sup>th</sup> December Lord Justice William Davis granted Ms. Smith permission to appeal on all her grounds of appeal. The matter will now proceed to a final hearing which is expected to take place between February and April 2022.

CLP continue to represent four Traveller organisations who are intervening in the matter, namely : Friends, Families and Travellers; London Gypsies and Travellers; Southwark Travellers Action Group and Derbyshire Gypsy Liaison Group. Our Counsel in the matter are David Wolfe QC of Matrix Law and Owen Greenhall of Garden Court.

For our latest report on the matter, please see the link here :

<http://www.communitylawpartnership.co.uk/news/definition-of-gypsy-and-traveller>

# WIDE INJUNCTIONS

Once again, as regular readers will know, twelve local authorities appealed against the judgment of Nicklin J in this matter (now known as *London Borough of Barking and Dagenham and others -v- Persons Unknown and others*) and that appeal came before the Court of Appeal on 30<sup>th</sup> November and the 1<sup>st</sup> & 2<sup>nd</sup> December. Judgment is reserved. Watch this space ! For our latest report on the matter prior to the hearing, please see the link here :

<http://www.communitylawpartnership.co.uk/news/press-release-is-this-the-end-of-the-wide-injunction>

# CANAL & RIVER TRUST TERMS AND CONDITIONS OF THE BOAT LICENCE

National Bargee Travellers Association instructed CLP and Counsel to advise on the new terms and conditions that have been brought in by Canal & River Trust (CRT).

An initial advice was obtained from Satnam Choongh QC of Number 5 Chambers and a follow-up advice from Jamie Burton QC of Doughty Street Chambers.

There were a number of areas of concern, but concern was especially

expressed with regard to the clause relating to those with home moorings. Unfortunately, apart from a small concession, CRT did not agree to alter or withdraw any of the new terms and conditions. NBTA are not in a position to take this challenge any further.

We are very interested in hearing from any liveaboard boaters with home moorings who will be affected or may already have been affected by the new clause. If you want to discuss this matter, please telephone us on our advice line which is (0121) 685 8677 and is open Monday-Friday 9 a.m to 1 p.m. (but please note that the advice line is currently closed for Christmas until 9 a.m. on Tuesday 4<sup>th</sup> January 2022).

For the latest information on the new terms and conditions, please see the NBTA website here :

<https://www.bargee-traveller.org.uk/we-still-want-to-hear-from-boaters-affected-by-new-crt-licence-tc-update-regarding-crowdjustice-fundraiser-protect-boats-that-are-peoples-homes/>

## CRIMINALISATION OF TRESPASS

The Police, Crime, Sentencing and Courts Bill has now completed its House of Lords Committee stage.

Despite great campaigning work by Friends, Families and Travellers and

others, unfortunately no amendments were made to Part 4, which contains the provisions that have been described as “*criminalisation of trespass*”. Report Stage is scheduled for 17<sup>th</sup> January 2022. It is expected that the Bill may become enacted in February or March 2022.

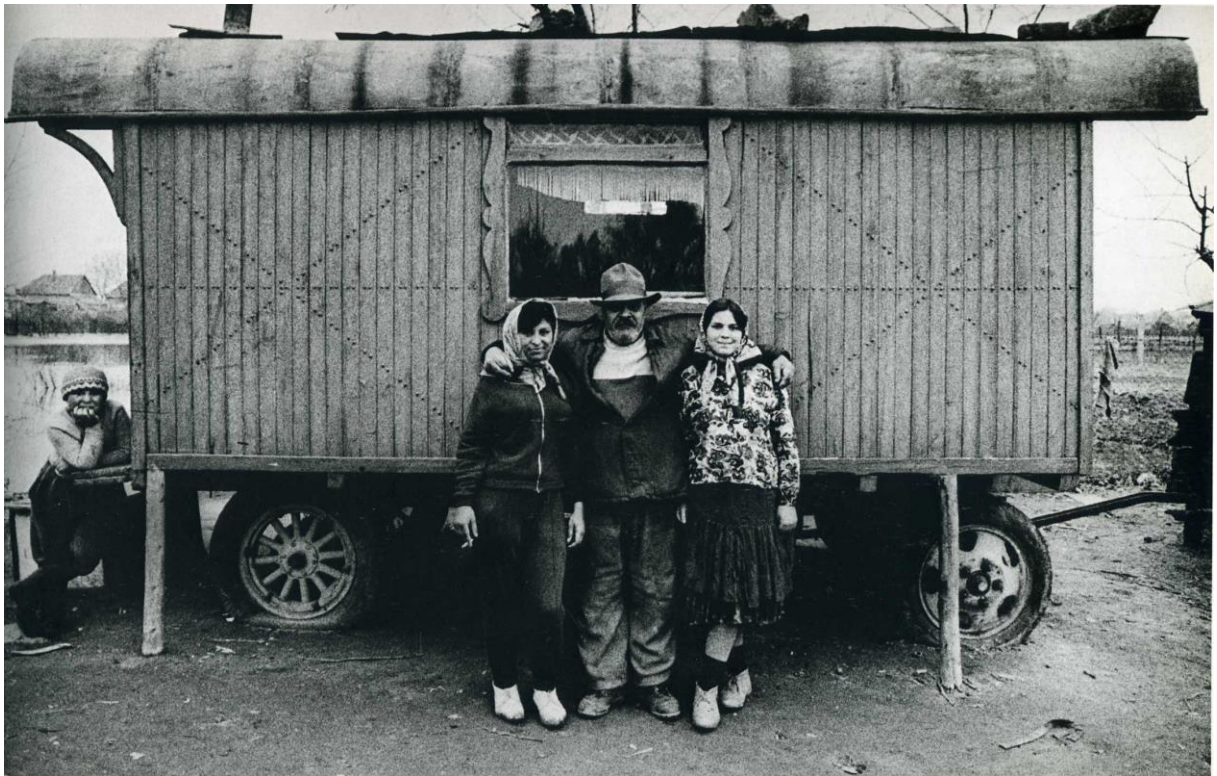
We already have two clients who will be significantly affected by the criminalisation of trespass and who want to challenge Part 4 if it becomes law. However, we are very interested in hearing from other Gypsies and Travellers who will be adversely affected by these dreadful provisions. If you want to discuss this with us, please phone us on our advice line (see above).

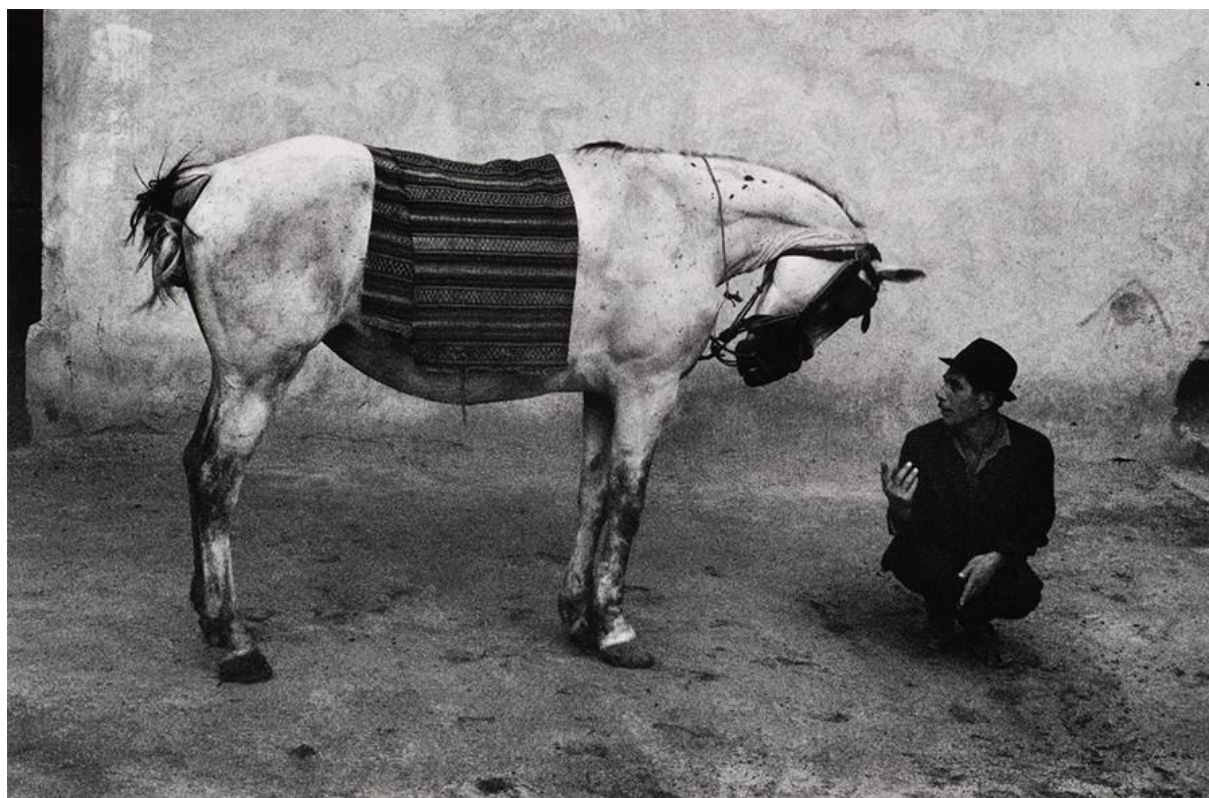
## THE COVID 19 PANDEMIC

Given the alarming increase in the Omicron variant, we trust that the Ministry for Levelling Up, Housing and Communities and the Welsh Government will be providing fresh guidance to local authorities, especially with regard to those Gypsies and Travellers who have to resort to unauthorized encampments (due to the lack of sites, of course). We would suggest that such guidance should include the use of transit site provision and/or negotiated stopping agreements and the provision of services for encampments.



# JOSEF KOUDELKA









**HAPPY CHRISTMAS  
&  
NEW YEAR**

**TO ALL  
OUR READERS  
AND  
SUPPORTERS**



## TRAVELLERS ADVICE TEAM

The members of TAT are Chris Johnson, Parminder Sanghera and Sharon Baxter.  
Our TAT Administrator is the CLP Practice Manager, Emma Westwood.  
Thanks to TAT Admin Team for putting together this Bulletin.

### *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 1pm

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

The Travellers Advice Team  
Part of The Community Law Partnership Solicitors  
4<sup>th</sup> Floor, Ruskin Chambers  
191 Corporation Street  
Birmingham B4 6RP

Tel: 0121 685 8595

Fax: 0121 236 5121

E-mail: [office@communitylawpartnership.co.uk](mailto:office@communitylawpartnership.co.uk)

Website: [www.communitylawpartnership.co.uk](http://www.communitylawpartnership.co.uk)

