

August 2023

Evidence submitted to Friends, Families & Travellers (FFT)

Judicial Review of the Police, Crimes, Sentencing and Courts Act 2022

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EXECUTIVE SUMMARY

This document shares *initial findings* from the ‘Narrow Margins’ project with the intention that FFT can use this evidence as part of their judicial review of the Police Act 2022.

Our research suggests that:

- Families are being **moved along more quickly** since the Police Act 2022
- The Police Act has created an **atmosphere of fear** for families stopping roadside.

The effects of faster evictions:

1. **Worsening relations** between Gypsies/Travellers and communities nearby
2. **Worsening relations** between Gypsies/Travellers and local authorities
3. Further **hindering access** to steady employment, healthcare, and education
4. **Increasing use of dangerous stopping sites** as families are pushed to the margins
5. Direct **negative impact on mental health and liberty** of Gypsies and Travellers

Broader findings and recommendations:

1. Sense of injustice with a **lack of accountability** towards ‘pre-emptive’ police powers
2. **Not enough plots** to meet demand and many existing sites are unfit for purpose
3. Faster evictions create **more encampments (not fewer)** and are expensive
4. Stopping roadside is **synonymous** with Gypsy & Traveller culture and wellbeing
5. **‘Negotiated stopping’** is a more culturally appropriate, humane, and practical policy

ABOUT THE PROJECT

Based at **Birmingham City University**, Narrow Margins is funded by the Economic and Social Research Council (ESRC) until September 2024. The project is working in partnership with Streets Kitchen in London and Leeds GATE to understand the impact of recent changes in trespass laws upon vulnerable communities.

FINDINGS

In July 2023, we interviewed 24 individuals from the Gypsy and Traveller community in Leeds, as well as one interview with a travelling show person. While the Narrow Margins

research project is primarily interested in the Police Act, we interviewed participants on a range of related issues including race, culture, and access to resources including health and education.

Families are being moved along more quickly

Gypsies and Travellers are being **moved along more quickly** since the Police Act 2023 came into effect. In the past year, our participants reported being moved along every 1-3 days on average. In some regions, this could be multiple times in one day, including the middle of the night.

"There's a new one [law]. That's the one where you can lose everything. Last week, we pulled on a field, a park field. They blocked the gateway. Some caravans were on, some were off. They wouldn't let people on at all. They checked everyone out. Everybody was above board. They ran away and came back a few hours later and said there's a temporary site in Brighton ... it was really hard staying around Brighton, we left it."

While travelling roadside, members are being moved along by police more frequently and quickly with Gypsies and Travellers stopping for shorter periods. We found that prior to the Act, our participants were stopping for around 5-14 days, while in the last year this has declined.

Faster evictions are having knock-on adverse effects:

1. Worsening relations between Gypsies/Travellers and communities nearby

In the past, our participants reported having better relationships with communities nearby to unauthorized encampments. They attributed this to being able to stay for longer stretches of time and therefore build stronger relationships:

"We knew we were going there and not getting moved on straight away, so we used to make friends with the kids in the houses... It was very interesting because obviously they're not from the travelling community, so we got to ask them questions." "We would chat about their culture, our culture. They were very intrigued about our culture, just as much as we were intrigued about their culture."

We heard many stories of better relations between communities when Gypsies and Travellers were able to stop roadside for longer periods and in familiar places. As a result, Gypsies and Travellers could maintain important relationships with non-Gypsies

and Travellers across the country — important cultural exchanges that some see as impossible for their future generations to experience:

*"I would have stayed there from the age of five until I was about fourteen, fifteen. [We'd go there] maybe once a month, so it's a long time to keep going back to that one spot, was like 'Oh, we're back!', and they were like, 'Oh, we've missed you!' It was the only place where I **felt accepted** by everyone else."*

*"Even all these many years have passed... I've **still got good relationships** with those people [non-GT]. You don't get that today."*

*"After a while, after years I mean, the non-Gypsies **got used to you** and didn't bother you as much. Not with the police, they still moved you on, but the people out the houses — they got used to seeing the caravans coming and going."*

*"It's changed everything. When I was growing up and living on a roadside camp — I lived in my dad's yard — people would come and talk to you. Now you don't know who you're talking to you, so when people approach you, you're scared ... **It's a scary world, it's more frightening.**"*

When asked what might improve relationships between Gypsies/Travellers and nearby communities, participants consistently expressed the need for greater cultural awareness in order to support better communication with the police, local councils, and non-Gypsy Traveller members of the public.

Participants reported that media representation of Gypsies and Travellers are increasingly negative, particularly on social media, where councilors, MPs, and other members of the public proliferate racial hatred in response to unauthorised encampments.

2. Worsening relations between Gypsies/Travellers and local authorities

Our research has found that the Police Act has contributed to heightened uncertainty and distrust of the police. They also report a lack of communication and opportunities for negotiation. The threat of homes being confiscated represents a substantially increased risk. We find that Gypsies and Travellers avoid seeking clarification as to which powers are being used and choose to move on to avoid expensive court fees, fines, and the risk of confiscation.

West Yorkshire Police have also been advised not to use the Police Act except as a last resort, instead guiding police to pursue a specific protocol that centres welfare checks and relies on the 1994 Public Order Act and 1968 Caravans Act. Our participants generally agreed that West Yorkshire is the most hospitable county for Gypsies and Travellers, providing more culturally nuanced applications of highly discretionary and often discriminatory laws.

*"Not every county is taking it on, there's only certain ones. It's like Leeds don't want to do it. It's **too much hassle for Travellers and the police.**"*

3. Further barriers to accessing employment, healthcare and education

The shorter stopping periods mean Gypsies and Travellers are less able to access resources and short-term contracts while they were previously able. They also mean service providers, such as Leeds GATE, are less able to support members of the community, including by facilitating dialogue with local councils, healthcare providers, and schools. Local councils, as well as partners like Leeds GATE, are also less able to perform vital welfare checks, and therefore councils are less informed about how to provide culturally appropriate services. Access to key waste management infrastructure such as skips and toilets is particularly affected.

*"I know negotiated stopping's very good for Travellers to **stay in one place**, get toilets, get skips. It would be good to get a negotiated stopping camp, people could stay for 3 months so we could go down, make sure people's got care of post, get them registered with doctors, get water, get showers. ... **It's hard when you get moved on every week, every two weeks.**"*

4. Increasing use of dangerous stopping places as families are pushed to the margins

Participants also report having to stop in more **dangerous places** as the increased risk of eviction pushes them further to the margins of urban and rural settlement. Spaces that are unfit for human habitation are often chosen in order to avoid eviction and abuse from the public.

*"Last year, we're not allowed to stay roadside anymore, and if you do, you get your caravan taken off you, and you might be going to get fines or get locked up. Obviously, that's what made my dad get his yard — because he wasn't allowed his yard — it wasn't for living on. But because this law came out, and Gypsies and Travellers weren't allowed to live roadside, we had to live on there. He said he's got **nowhere to go.**"*

Furthermore, many sites are not appropriate, and in many cases not fit for human habitation, including in Leeds. We spoke to one individual who has lived on one such site for 30 years. A Freedom of Information request returned a planning decision from the local authorities (evidence attached):

"In my opinion, the proposal envisages the introduction of a residential use, into what is primarily an industrial locality, and as such is unacceptable. However, I have been given to understand, that the use of this site as a gypsy encampment;

has been agreed in principle by this authority, and as such I would therefore recommend that no objection be raised subject to the usual conditions.”

The participant told us:

“There's not enough sites, not enough sites to fit people on. There's not even enough transit sites. And with the new Police Act that's come out, you can't travel, so you're basically stuck there. We're just rotting away on that site.”

5. Direct and negative impacts on mental health and liberty of Gypsies and Travellers

This has had disproportionate impacts on children living roadside. We heard from a member of the community about their experience conducting outreach as part of their work at Leeds GATE:

“For people who travel roadside, every day you live in fear you're going to get evicted, where are you going to go next. Especially with children. I've been to see so many roadside children, and I've rocked up with activities and they're just so scared. I'm like, 'Do you want to play?', and they're like, 'No [name], we can't play, we've got to go now, the police is coming in a minute.’

They're so scared. Even if they've not been moved on yet, they know it's coming. The kids are like 'No we can't, the police will be here in a minute to kick us off, we can't come out and play, we need to pack up.' And they're so close all these kids, and I'm like, well, 'Are yous all going together?' and they're like, well 'No I don't think so, we'll probably all get broke up, and we'll all have to go to different places, so it's very heartbreaking for the kids, because they live in fear. 'Where are we going to wake up tomorrow?’”

BROADER FINDINGS AND RECOMMENDATIONS

1. A lack of accountability for ‘pre-emptive’ police powers

For many of our participants, the 2-3 days notice before court hearings is equal to the amount of time Gypsies and Travellers will remain in place:

“We don't go to court. I'm not saying Travellers don't, if they really really want to be there, but it's not worth it. We're not going to stay there long.”

Participants have reported that the police do not consistently cite or distinguish between Sections 60C, 61 and 62. Roadside families do not tend to engage with the court system and instead court papers are left taped-up on lampposts and taken in-themselves as a

signal to leave. Once instructed to move, those stopping roadside **tend not to challenge**, seeing this as a futile exercise.

The Police Act 2023 has conferred both police and landowners with more discretionary powers. As a result, our participants reported a lack of accountability and substantial **geographical variation** in its application:

"Some areas are different than others. In Brighton they had a force that would use it, they'd give you an hour to be gone. If you weren't gone, a couple of trucks were waiting at the gate to remove your stuff. This was last Monday. They came and said, because we'd moved on on the Friday and had the weekend there. Monday morning they came. They came first with letters, by then it was about half past 3, and they gave us until 4 o'clock, and said if you're not off by 4, you're getting removed. ... It had been arranged before for them to do it. They said there was a temporary site you could move on but it was expensive ... £200-300 a week."

"The police around Yorkshire, and the council, are more understanding than other parts of the country. In Leeds because Travellers come into Leeds, the council will drop them toilets, more than likely a skip, and bring black bags down for rubbish. And you'll always get a week on the grounds. Whereas if you go to London, they'll ask you where you're from, see where your motor's from, and escort you back down to the country to wherever you're from. It's always been like that."

2. There are not enough plots to meet demand and many existing sites are unfit for purpose

Eviction comes at a higher cost, not only to local councils and police forces (Morris and Clements, 2002) but to Gypsies and Travellers travelling roadside. Participants report the high costs of legal representation and pitches on temporary sites, especially as Gypsies and Travellers living roadside often rent a 'winter base' throughout the year.

There is a demand for both permanent and transit sites.

"Some people choose to send their kids to school, so that's why they live on site. But if Travellers could live roadside, and be accepted, and be allowed to stay places, I personally do not think there would be sites — or there'd be very few sites."

3. Faster evictions create more encampments (not fewer) and are expensive to evict

According to our partners at Leeds GATE, the increased speed of evictions are having the opposite effect to what the government intended, by creating *more* roadside

encampments. Families moved along quickly struggle to find suitable stopping places with such short notice and often find themselves with little choice of where to go.

More encampments also means more money needed to evict them. Leeds GATE have repeatedly argued that negotiated stopping is a much more fiscally (and ethically) responsible policy to roadside encampments than constant eviction.

We intend to submit a series of FOI requests to substantiate this point.

4. Stopping roadside is synonymous with Gypsy and Traveller culture and wellbeing

We have found broad agreement that the Police Act represents a new form of **cultural annihilation**, with the community divided on whether Gypsy and Traveller cultures have already died or will be able to withstand the forced settlement of those who wish to live roadside. Some of our participants informed us they **now choose to hide their identity** at work or at school to prevent discrimination from non-Gypsy Traveller colleagues, parents, and teachers.

Our participants agreed that, in ideal conditions, all Gypsies and Travellers would prefer to live roadside if they were able to access educational and health services more frequently. All were in consensus that living roadside is synonymous with Gypsy and Traveller heritage and cultural practices.

*"Some people like living there, but some people live there because they have health conditions, and they can't travel there because they have to live on site. But **the majority of Travellers that live on site do not want to live there, because they're Travellers — they're birds, they like to be free.**"*

The primary benefit of living roadside is the consistent and regular access to extended familial and social networks.

*"I prefer to live roadside, because when you're travelling, you meet so many **different people.. It's a different life.**"*

These extended networks enable the maintenance of cultural practices, intergenerational histories, and an ability to care for family and friends. They also act as networks of trade, supporting traditional economies maintained by Gypsies and Travellers for centuries. Living roadside confers access to vital social, cultural, and economic networks that span nationally and internationally, and are central to Gypsy and Traveller identity and intergenerational memory.

As a result, many of our participants discussed their strategies to pass down cultural practices to their children, including travel to fairs, to see family, and to trade, in order to maintain their heritage.

"I haven't moved for five and a half years, I've been settled, and I used to move away in the summer, but for the last five years I haven't. Since this Act has come out, I've been going to the fairs, because I know they can't stop us. I don't want my children to grow up without their knowing their culture, their heritage. I'm trying to keep that alive as much as I can, because I know that by the time they're older, they're not going to be allowed to do that."

*"It's a **tradition** where you pull in. They say that's the best part of it, making your way up. Most of them make their way up, and on the last day, they go back home, they don't go to the fair. They just want to make their way up to Appleby, that's what they like."*

*"**We don't get long enough** on them [fairs]. You just get used to being roadside and it's time to come home."*

*"My children need to know how you hook a caravan up...obviously not now, they're too young. But **they need to know how you move around, what happens when the police does come, the court procedures, about these enforcements that can move you straight away.** The other day we got moved three times in one day. It's really hard. It's not too bad around Yorkshire, but it's really bad around London where I've just been. The benefits of [roadside], they need to learn that, they can't just decide one day — at 16, 17 [years old] — right we're going to move. They need to know if they can get their caravan onto that site."*

They also expressed a general aversion to 'brick and mortar' housing and discussed the severe impacts on their psychological health.

*"Even though I'm on a plot, I live in a caravan, whereas a lot of Gypsies are in houses. A lot of them it's **very bad for nerves and depression**, because it's something they're not used to doing. When I lived in a house, I used to feel like I was all blocked in. Sometimes **I'd have panic attacks, feeling like I couldn't breathe** because I was all blocked in. Too many walls, not enough windows so you couldn't see out. We aren't used to walls."*

Some Gypsies and Travellers have moved off roadside and into temporary sites, private yards or housing due to longstanding health conditions that require consistent access to GP appointments and hospitals; or so that their children can access state education.

*"[My dad] cannot live in a house because it would **feel enclosed**, he cannot breathe in a house. But my mum's got health issues, my dad's got cancer and is on chemotherapy...If he was healthy, fighting fit, he wouldn't be there, he'd be gone."*

5. Negotiated stopping

Our research found clear, culturally appropriate alternatives that can better support Gypsies and Travellers, and the work of councils and police.

Leeds GATE, Leeds City Council and West Yorkshire Police have collaborated to implement the policy of **negotiated stopping** across West Yorkshire.

"When I used to be roadside, there was negotiated stopping. You knew you were secure, you knew you weren't going to get bailiffs knocking on your door at 6am in the morning and you have to be out for 9am. I've actually had bailiffs moving me along on Christmas Eve, and I've got kids. That was in Leeds, on private land. The council are, in Leeds, hats off to them, really good. We've got negotiated stopping in Leeds. You know you've got a time limit to be on the land, that's your time. They'll always try and suggest areas where you can go and stay and you'll get a couple of weeks. The outreach team are really good, they provide skips, portaloos. They are really really good in Leeds. Not so much in other councils. Never known one better than Leeds. Leeds is the best I've come across and I've travelled everywhere."

Please contact us at the above email addresses if you would like any further data or information.