

Gypsies, Irish Travellers and the Race Equality Duty

PART II Site Provision and Eviction

The Race Equality Duty

Section 71(1) of the Race Relations Act 1976 as amended ('the Act') places a General Statutory Duty on a wide range of public bodies, including local authorities, to promote race equality. The duty is to pay **due regard** to the need to eliminate unlawful racial discrimination, promote equality of opportunity and promote good relations between people of different racial groups. This duty, which was brought in as an amendment to the Act, has been enforceable from April 2001.

Accompanying the General Statutory Duty are additional or 'specific duties' that provide the body with steps that they should take in order to meet this duty. (The general and specific duties are referred to collectively as 'The Race Equality Duty'). For most local authorities, this means that they should have published a race equality scheme by 31st May 2002 and set out arrangements for ethnically monitoring most employment practices. In relation to local authorities, these specific duties have been enforceable since 31st May 2002. The race equality schemes should set out how the authority will fulfil the General Statutory Duty.

Gypsies and Irish Travellers

The race equality duty impacts equally on all racial groups, in that any body that is subject to it must take into account all groups, including Gypsies and Irish Travellers, who are protected racial groups. Planning legislation defines a 'gypsy' as a person of nomadic habit of life, whatever their race or origin. This questionnaire uses the ethnic definition of Gypsy throughout.

The aims of this questionnaire

This questionnaire is part of a project being undertaken by the Commission for Racial Equality (CRE) to look at the extent to which district, unitary and county councils in England and Wales are meeting their statutory duties towards Gypsies and Irish Travellers under existing legislation. The survey is in three parts. Part I is on general race relations policy and practice within your authority. Part III is on planning. This questionnaire is on site provision for Gypsies and Irish Travellers and eviction.

How to complete this questionnaire

You have been asked to complete Part II of the survey because you have knowledge and experience about policy and practice in this area. Your responses are therefore very helpful to us in building up a picture of what is happening in your local authority area. The questionnaire has been designed to enable you to provide us with the information we need as easily as possible. **The questionnaire can be completed electronically or in hard copy.** Most of the questions are multiple choices. Your answers should be marked with an X. We would be grateful for any additional details or supporting information you can provide either in the boxes or separately. The completed questionnaire should be submitted to the CRE (details at the end of the questionnaire) by **29th November 2004**

The information that you give us will be collated with the responses to Parts I and III of the survey in your area and analysed as part of our report on current policy and practice in relation

to Gypsies and Irish Travellers. Following the questionnaire we may approach local authorities for further information relating to the responses we receive.

Your details

Your name

Your position

Name of local authority

Contact information
(including telephone number
and email address)

Section 1 Policies for site provision

1.1 Do you have a policy for the provision and/or retention of sites for Gypsies and Irish Travellers (other than that in your development plan)?

Yes No

1.2 If yes, please tell us the date that it was introduced

1.3 If no, please tell us why and then go to section 2. Please indicate with an X all that apply.

No Gypsies or Irish Travellers in the area

We are currently assessing needs before drawing up a policy

Not a legal requirement

Another authority or agency will be promoting new site and accommodation provision (please specify which authority)

Covered by other policies (please specify)

1.4 Who did you consult with when producing your policy for site provision? (Please X all that apply)

Land owners

Local residents

Police

Gypsies and Irish Travellers (individually or in focus groups)

Gypsy/Irish Travellers support groups

Local Race equality council

Other (please specify)

1.5 Has the race equality duty had an impact on your policies in relation to Gypsy site provision?

Yes No If no, please go to question 1.9

1.6 What are the reasons for your answer? Please indicate the importance of the different reasons provided in the table below with an X.

	Very important reason	Important reason	Neither important nor unimportant	Not an important reason
We have recognised Gypsies and Irish Travellers needs				
We want to be seen to comply with the relevant legislation				
We are a forward-looking organisation and want to be an example to others				
Our lawyers have told us we must comply with the law				
We have been challenged in court and obliged to amend our policy				
We want to resist further challenges effectively and retain powers to regulate unauthorised encampments and developments in our area				

1.7 Have you made any specific changes to your policy on Gypsy site provision since May 2002 as a result of the race equality duty?

Yes No

1.8 If yes, please tell us what changes you have made

1.9 Have you made any changes to your policy on Gypsy site provision since May 2002 for **other** reasons?

Yes If yes, please tell us what changes you have made and the reasons for these changes in the box below

No If no, please go to question 1.11

1.10 Did you undertake a Race Equality Impact Assessment of your policy before changing it?

Yes Please provide us with a copy when you return this questionnaire
No

1.11 Since May 2002, have you monitored the impact of your Gypsy site policy on race equality?

Yes Please provide us with a copy when you return this questionnaire
No

Section 2 Site needs assessment

2.1 Has your local authority assessed the need for Gypsy and Irish Travellers sites and/or accommodation in your area since May 2002?

Yes No Please go to question 2.3

If yes, please provide a brief summary of what this assessment found in the box below and, if possible, attach a copy of the assessment document.

2.2 What action, if any, resulted from your needs assessment? (Please X all that apply)

- Identified current and future need for sites
- Projected the identified needs into the future
- Identified a need for pitches and pursuing site alternatives
- Used the details to inform our plan-making process
- Decided that the needs assessment was not reliable
- Decided to identify others needs of Gypsies and Irish Travellers in our area
- Other (please specify)

2.3 Are there any plans to assess the need for Gypsy and Irish Travellers accommodation in the future?

Yes No

2.4 If no, what are the reasons for this? (Please X all that apply)

- There is no evidence of need in our area
- Future Local Housing Assessment will identify Gypsy and Irish Traveller accommodation needs
- Lack of resources to conduct assessment
- Decided that the needs assessment was not reliable
- No land to provide additional sites

Section 3 Site provision

3.1 Do you have any local authority sites for Gypsies and Irish Travellers in your area?

Yes No If no, please go to section 5

3.2 Please complete the table below to show the **number of sites** of each type that you own and/or manage **in each category**.

Type of site	Own	Manage	Own and manage
Residential			
Transit			

3.3 Have you faced any particular problems or difficulties in developing local authority sites for Gypsies and Irish Travellers since April 2001?

Yes No If no, please go to section 4

3.4 If yes, what kinds of problems or difficulties have you experienced? Please indicate your answers with an X as appropriate.

	Very significant difficulties	Significant difficulties	Occasional difficulties	Never a difficulty
Lack of suitable land on which to build sites				
Lack of resources to build and manage sites				
Opposition from local residents				
Sites not used when developed				
Disputes causing under use of sites or other problems				
Damage or vandalism to sites				

Section 4 Site management

4.1 We are interested in knowing who manages the public sites in your area. If more than one of the following manages sites in your area, please X all that apply.

This local authority	<input type="checkbox"/>
Another local authority (council or district)	<input type="checkbox"/>
Registered Social Landlord (RSL)	<input type="checkbox"/>
Private company	<input type="checkbox"/>
Other (please specify)	<input type="checkbox"/>

4.2 Do you have any arrangements in place to monitor the standard of site management services?

Yes No If no, please go to question 4.4

4.3 What arrangements do you have in place? (Please X all that apply)

Business Plans with specified performance indicators	<input type="checkbox"/>
Agreements or contracts between the site owners and managers	<input type="checkbox"/>
Inspections carried out by the managing agency	<input type="checkbox"/>
Inspections carried out by someone independent of management	<input type="checkbox"/>
Forums including site residents to discuss issues	<input type="checkbox"/>
Satisfaction cards filled in and returned by residents	<input type="checkbox"/>
Some form of survey of licensees which asks about this	<input type="checkbox"/>
Other (please specify)	<input type="checkbox"/>

4.4 If a private company manages any of your sites, do you have a formal contract (including licensing agreements) with them?

Yes

No

n/a

If no or not applicable, please go to question 4.6

4.5 What measures have you put in place to ensure that the company takes account of the race equality duty in managing sites?

None	<input type="checkbox"/>	Contract conditions	<input type="checkbox"/>
Specification	<input type="checkbox"/>	Monitoring	<input type="checkbox"/>
Other (please specify)	<input type="checkbox"/>		

4.6 Do you take any particular measures to promote good race relations **between different groups** residing on local authority Gypsy sites in your area?

Yes If yes, please provide further details in the box below. We are particularly interested in identifying examples of good practice from which others can learn.

No

4.7 Do you take any particular measures to promote good race relations **between those living on local authority Gypsy sites and other communities**?

Yes If yes, please provide further details in the box below. We are particularly interested in identifying examples of good practice from which others can learn.

No

Section 5 Policy on unauthorised encampments

5.1 Have there been any issues with unauthorised encampments established by Gypsies and/or Irish Travellers on land they do not own in your area?

Yes No If no, please go to question 5.3

5.2 Approximately how often do unauthorised encampments occur in your area? (Please X one only)

More than once a week	<input type="checkbox"/>
Once a week	<input type="checkbox"/>
Once a month	<input type="checkbox"/>
Once every 3 months	<input type="checkbox"/>
Once every 3-6 months	<input type="checkbox"/>
Once every 6-12 months	<input type="checkbox"/>
Other (please specify)	<input type="checkbox"/>

5.3 Do you have a policy for managing unauthorised encampments?

Yes No If no, please go to question 5.7

5.4 When was this policy developed?

Before May 2002	<input type="checkbox"/>
Since May 2002	<input type="checkbox"/>
Both before and since May 2002	<input type="checkbox"/>

5.5 Which of the following does this policy include? (Please X all that apply)

Unauthorised development policy	<input type="checkbox"/>
Eviction policy	<input type="checkbox"/>
Toleration or non-harassment policy	<input type="checkbox"/>
Joint protocol with the police	<input type="checkbox"/>
Policy or procedure agreement	<input type="checkbox"/>
Other (please specify)	<input type="checkbox"/>

5.6 Who did you consult with when formulating this policy? (Please X all that apply)

Land owners

Local residents

Police

Individual Gypsies and Irish Travellers

Gypsy/Irish Travellers support groups

Local Race equality council

Others (please specify)

<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

<input type="text"/>

5.7 Have you made any changes to your policy on unauthorised encampments since May 2002 as a result of the race equality duty?

Yes If yes, please tell us what changes you have made in the box below

No

<input type="text"/>

5.8 Have you made any changes to your policy on unauthorised encampments since May 2002 for **other** reasons?

Yes If yes, please tell us what changes you have made and the reasons for these changes in the box below

No If no, please go to question 5.10

<input type="text"/>

5.9 Did you undertake a Race Equality Impact Assessment of your policy before changing it?

Yes Please provide us with a copy when you return this questionnaire

No

5.10 Since May 2002, have you monitored the impact of your unauthorised encampment policy on race equality?

Yes Please provide us with a copy when you return this questionnaire

No

Section 6 Responding to unauthorised encampments

6.1 Do you receive any complaints from the public about unauthorised encampments?

Yes No If no, please go to question 6.4

6.2 Do you record complaints and, if so, in what form?

Database
Handwritten record
No record

6.3 How are such complaints responded to? (Please X all that apply)

Treated as official complaints
Investigated
Decisions made on them
Telephone or written response given
No capacity to respond
Other (please specify)

6.4 Since April 2001, have you forcibly evicted Gypsies or Irish Travellers from land they do not own?

No
1-5 times
6-10 times
More than 10 times

6.5 Since April 2001, have you contracted any external agency (for example, bailiffs) to undertake evictions from unauthorised sites?

Yes
No If no, please go to Section 7 of this questionnaire

6.6 Have race equality considerations been built into the contract with the external agency?

Yes
No If no, please go to question 6.8

6.7 How has this been done? (Please X all that apply)

Specification	<input type="checkbox"/>
Monitoring	<input type="checkbox"/>
Contract conditions	<input type="checkbox"/>
Other (please specify)	<input type="checkbox"/>
<input type="text"/>	

6.8 When undertaking the eviction, who is responsible for ensuring that the race equality duty is adhered to? (Please X one only)

The contractor	<input type="checkbox"/>
The local authority	<input type="checkbox"/>
Both	<input type="checkbox"/>
Other (please specify)	<input type="checkbox"/>
<input type="text"/>	

Section 7 Homelessness

Please note: Those completing this questionnaire on behalf of County Councils in England should NOT complete this section

7.1 Do you have a homelessness strategy?

Yes	<input type="checkbox"/>	
No	<input type="checkbox"/>	If no, please go to question 7.6

7.2 Does the strategy specifically address homelessness, and likely future homelessness, in your area among Gypsies and Irish Travellers?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
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7.3 Did you undertake a Race Equality Impact Assessment before formulating and adopting your homelessness strategy?

Yes	<input type="checkbox"/>	Please provide us with a copy when you return this questionnaire
No	<input type="checkbox"/>	If no, please go to question 7.5

7.4 Did this include consideration of issues relevant to Gypsies and Irish Travellers?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
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7.5 Have you monitored the impact of the homelessness strategy on race equality since it was adopted?

Yes No

7.6 Are the cultural needs of different racial groups taken into account when homeless applications from people within these groups are considered?

Yes No

7.7 Do you take into account the degree of 'cultural aversion' to conventional housing that Gypsies and Irish Travellers may have when considering homeless applications from people within these groups?

Yes Please provide us with a copy of any guidance for frontline staff when you return this questionnaire
No

7.8 Since April 2001, have you faced any particular issues or difficulties in developing homelessness services for Gypsies and Irish Travellers?

Yes Please provide further details in the box below
No

Thank you for completing this questionnaire. We would be very grateful for any additional information or details that you are able to provide in the space below or which you are able to submit along with this questionnaire. If the information is available on your website, please give us the specific address where it can be located.

If you have completed a hard copy of this questionnaire please return it, along with any additional information or details, to:

Gypsy and Traveller Scrutiny Team
Commission for Racial Equality (CRE)
St Dunstan's House
201-211 Borough High Street
London SE1 1GZ

Electronically completed versions of the questionnaire should be saved in the name of your local authority (i.e.county.doc) and emailed to scrutinyproject@cre.gov.uk

Please provide any additional information or details in this box or on a separate sheet.