

GRT 12

Ymgynghoriad ar ddarparu safleoedd ar gyfer cymunedau Sipsiwn, Roma

a Theithwyr

Consultation on the provision of sites for Gypsy, Roma and Travellers

Ymateb gan: Rhiannon Craft

Response from: Rhiannon Craft

## **Evidence for The Senedd: An Academic Report Compiled in Response to the Impact of The Police, Crime, Sentencing and Courts Act 2022 on People Living in Vehicles**

### **Introduction**

Here I refer to my own forthcoming PhD thesis, some of which has already been showcased in the *Journal of Law and Society*.<sup>1</sup> I also refer to my Msc Dissertation research from 2018<sup>2</sup>, another masters research project<sup>3</sup> produced during the same time period, and an independent report<sup>4</sup> which I had involvement in compiling to present to Mendip Council in 2020. I connect these findings to broader research regarding GRT groups more broadly, revealing similar themes.

Through these findings, I explain how many different people across England and Wales live in vehicles for various social, cultural and economic reasons. There are also many people who have spent their entire lives living this way. Despite change in language used, I argue that many contemporary “Vehicle Dwellers” or “Van Dwellers” could be considered to be a new generation of New Travellers. A group that can arguably be considered to be “a late twentieth century version of some Gypsies consolidation in earlier European history.”<sup>5</sup> Indeed, many of today’s Vehicle Dwellers have also emerged largely in response to broader economic and social structure. It will also be shown that Vehicle Dwellers can be *economically advantageous* to wider society when given permission to maintain their low-cost (and often low-impact) self-provided housing. In this respect, Vehicle Dwellers could (and often do) save local authorities significant resources, signalling important implications for countering enforcement with site provision and negotiation, while effectively managing housing crises.

### **Methods**

My work draws upon three years of ethnographic fieldwork (between 2018 and 2022), including participant observation, unstructured “in situ” interviews, written accounts and the analysis of relevant artefacts such as news reports, blogs, radio shows and forums. My first project<sup>6</sup> was an ethnographic case study of an authorised site belonging to a circus collective of Vehicle Dwellers in Bristol. My forthcoming thesis and ongoing research explores the lives and alternative housing practices of New Travellers and Vehicle Dwellers, conceptualising many Vehicle Dwellers as a new generation of New Travellers. Throughout this project, I have spent time living on and visiting multiple roadside locations and sites of various status across England and Wales (from unauthorised, to fully owned by occupants

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<sup>1</sup> R. Craft, “Home: A Vehicle for Resistance? Exploring Emancipatory Entanglements of “Vehicle Dwelling” in a Changing Policy Context.” Special Issue. *Journal of Law and Society*. 47 (S2) 321

<sup>2</sup> : R. Craft, *Nomads in Utopia? An Ethnographic Case Study Exploring the Lives of Vandwellers on an Authorised Site in Bristol*. (2018)

<sup>3</sup> R. McAllister, “*Not Housed, But Not Homeless: A Housing Pathways Study of Vehicle Dwellers*,” (2018)

<sup>4</sup> Smart Communities, *Mendip Roadside Living Report*, (2020) at <<https://www.mendip.gov.uk/article/9471/Mendip-Roadside-Living-Report>>

<sup>5</sup> J .Okely. *Some political consequences of theories of Gypsy Ethnicity: the place of the intellectual* (1997)

<sup>6</sup> R. Craft, op. cit., n.2

and authorised with planning). I spent much of this time during lockdown in Mid Wales, on an authorised site with planning permission. After lockdown, I witnessed a particularly heavy-handed, resource intensive eviction in the city of Bristol, which served as a huge contrast to the secure life I had lived in Mid Wales; highlighting the benefits of site provision, and costs of enforcement.

I have also been involved in campaigning circles in this time between 2018 and 2022, where I have worked with various vehicle dwelling communities from different ethnic and cultural backgrounds. I was a founder of Bristol Vehicles for Change, a CIC that worked with Bristol City Council to provide temporary accommodation for people living in vehicles during the pandemic. This was considered to be a success, and the council have proceeded by formalising this process beyond the pandemic: temporary sites are still being provided using disused land via “meanwhile” leases. The benefits of site provision will be revisited later.

In 2020, I also assisted the data collection process that was put towards compiling a report to Mendip Council regarding roadside Vehicle Dwellers in Glastonbury. We carried out 80 survey interviews in total, the results of which were quantified. These findings are also featured here.

### **Who are Vehicle Dwellers?**

Aside from limited appearances in literature regarding wider discussions about “Gypsies and Travellers”<sup>7</sup> and the circus<sup>8</sup> as it stands there is very little academic literature that directly address “vehicle dwellers” (or “van dwellers”) specifically. Of course, Gypsies and Travellers do live in vehicles. In fact, it seems to be this shared characteristic that renders Gypsies, Travellers, and all other “vehicle dwellers” subject to many of the same enforcement policies. However, the term “Vehicle Dwellers” is seldom used to describe ethnic travelling groups.

It could be said that some contemporary “Vehicle Dwellers” could represent a continuation, or new “wave,” of New Travellers.<sup>9</sup> “New Travellers” are a difficult group to define. However, they have broadly been defined as a “multi-class” and “multi-ethnic”<sup>10</sup> (and now multi-generational) group. Like many other nomadic groups,<sup>11</sup> most of these people had roots in settled society - although some do claim to have returned to ancestral nomadic roots.<sup>12</sup> Many took to the road to assemble new lives and communities based on alternative belief systems, often having been socially and/or economically excluded by “mainstream” society. Others wished to experiment with new ways of being with each other in the world, inventing new traditions and/or adopting Neopagan and other “eco-spiritual” beliefs and practices.<sup>13</sup> For many people, this is a highly valued way of life involving beliefs that are protected by Article 9 of the Human Rights Convention. Others carry out mobile occupations, whereby they travel around in their homes selling their services and products in different places.

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<sup>7</sup> D. Mayall. *English Gypsies and State Policies*. (1995)

<sup>8</sup> B. Assael. *The Circus and Victorian Society*. (2005)

<sup>9</sup> Craft, op. cit., n.1 and n.2

<sup>10</sup> C. Clark, “New ‘Age’ Travellers: Identity, Sedentarism, and Social Security.” In *Gypsy Politics and Traveller Identity*. Ed. T. Acton (1997) 124

<sup>11</sup> D. Mayall, *Gypsy-Travellers in Nineteenth-Century Society*. (1988)

<sup>12</sup> N. Ansell and R. Torkington. “Friends, Families and Travellers: Organising to Resist Extreme Moral Panics.” In *Hearing the Voices of GRT Communities: Inclusive Community Development*, eds. A. Ryder, S. Cemlyn (2014)

<sup>13</sup> See Clark, op. cit., n.10 and K. Hetherington, *New Age Travellers*. (2000)

Martin<sup>14</sup> explains how different generations of New Travellers have emerged and evolved in response to different social and economic conditions. Indeed, much like other nomadic groups, economic failures and shifts have often displaced the economically disadvantaged, leading people to become nomadic.<sup>15</sup> An influx of the working-class population in the 1980s is reported to have transformed the composition of the New Traveller community, which was claimed to have been mostly comprised of well-educated, middle class people before the economic crises and loss of social housing during the 1980s.<sup>16</sup> Okely<sup>17</sup> notes how, much like the demise of Feudalism brought about new nomads who identify as ethnic Gypsies today, the transformative (and largely exclusionary) nature of Thatcherite politics brought about a new generation of nomads. Worthington<sup>18</sup> explains how the New Traveller community became increasingly politicised at this time. By the late 1990s, New Travellers appeared to disappear from public discourse. However, the New Traveller community is still growing, constituted by multiple generations, and living in many places across the globe. Many “born and bred” New Travellers are integrated among wider “conventionally housed” communities across England and Wales today. Some have moved into conventional housing, while others have lived in vehicles their entire life.

While talk of New Travellers appears to have generally diminished, there have been recent reports of an increase in “van dwelling” across the UK and beyond. Indeed, At the end of summer 2017, media reports<sup>19</sup> at a local and national level reported a rise in “van dwellers” in the city of Bristol, as an encampment grew to a size of approximately 35 vehicles. We have recently seen people return to this area, which again is causing controversy. Beyond Bristol and Glastonbury, we witnessed a growth in similar news reports<sup>20</sup> about other vehicle dwellers – or “van dwellers” – escaping the housing crisis, who were struggling to get by, despite having “respectable” jobs in other increasingly unaffordable parts of the world. In Wales, we have seen similar reports of people moving into caravans in response to housing crises.<sup>21</sup> This will be revisited in more detail later.

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<sup>14</sup> G. Martin, Generational Differences Amongst New Age Travellers. (1998) 46 *The Sociological Review*. 735; G. Martin, “New Age Travellers: Uproarious or Uprooted?” (2002) 36 *Sociology*, 723

<sup>15</sup> J. Okely, *The Traveller-Gypsies* (1983); R. Sandland, “The Real, The Simulacrum, and the Construction of “Gypsy” in Law,” (1996) 23 *Journal of Law and Society*, 383

<sup>16</sup> Ansell and Torkington, op. cit., n.11; Clark, op. cit., n.10; Hetherington, op. cit., n.12; Martin 2000 and 2002, op. cit., n.13; A. Worthington. *The Battle of the Beanfield*. (2005)

<sup>17</sup> J. Okely. *Some Political Consequences of Theories of Gypsy Ethnicity: The Place of the Intellectual*. (1997)

<sup>18</sup> Worthington, op. cit. n.24

<sup>19</sup> For example, see: T. Burrows, “Rise of the (middle class) van dwellers: Former Rolls Royce engineer, stonemason and psychology student among 'respectable' residents who now live in CARAVANS on the side of the road because they cannot afford to rent in Bristol,” *Daily Mail*, 16 October 2017, at <<https://www.dailymail.co.uk/news/article-4985650/Rise-van-dwellers-living-Bristol.html>>; A. Matthews. “Angry Clashes as Dozens of “Vandwellers Priced Out of Housing Line City Streets and Use Residents’ Gardens as Toilets,” *Daily Mail*, 27 September 2017, at <<https://www.dailymail.co.uk/news/article-4925292/Angry-clashes-dozens-vandwellers-line-city-streets.html>>

<sup>20</sup> For example, see: M. Robinson, “These Silicon Valley Residents Choose to Live in Their Vans - Here’s Why,” *Business Insider*, 9 August 2016, at <<https://www.businessinsider.com/silicon-valley-van-dwelling-2016-8?r=US&IR=T>>; H. Johnston. “Meet The Young Women Beating The Housing Crisis By Living in A Van,”

<sup>20</sup> For example, see: M. Robinson, “These Silicon Valley Residents Choose to Live in Their Vans - Here’s Why,” *Business Insider*, 9 August 2016, at <<https://www.businessinsider.com/silicon-valley-van-dwelling-2016-8?r=US&IR=T>>; H. Johnston. “Meet The Young Women Beating The Housing Crisis By Living in A Van,” *Grazia*, 5 August 2016, at <<https://graziadaily.co.uk/life/real-life/meet-young-women-beating-housing-crisis-living-van>>

<sup>21</sup> R. Hoskin, “Life at the sharp end of rural Wales’ housing crisis,” *The National For All of Wales*, 9 April 2022, at <https://www.thenational.wales/news/20057184.life-sharp-end-rural-wales-housing-crisis/> and S.

At this point, whether or not the number of Vehicle Dwellers really had increased was largely unknown and a matter of media propelled speculation. Indeed, people have been moving into vehicles for various reasons all over the world for a long time. Despite this, it appeared to be a matter that represented a call to action; evoking the formulation of a new policy in Bristol by the end of summer in 2019. Two master's dissertation projects were inspired to illuminate the nuances of this situation.<sup>22</sup> Two years later, Mendip council announced that approximately 80 people were living in vehicles on the roadside in Glastonbury:<sup>23</sup> another cultural centre for alternative living. This led to a local authority funded report being funded to further investigate the matter.<sup>24</sup> Although evidence specifically addressing contemporary "vehicle dwellers" or "van dwellers" is lacking in Wales, the evidence presented in these papers – alongside that of my own thesis - can help guide the Senedd in deciding their movement forward with regards to the Police, Crime, Sentencing and Courts Act 2022.

### **A New Generation of New Travellers?**

Through years of fieldwork and a review of literature and other cultural artefacts produced by these communities, I have found that many "Vehicle Dwellers" possess many cultural characteristics associated with New Travellers.<sup>25</sup>

*"Nomadism entails a way of looking at the world, a different way of perceiving things, a different attitude to accommodation, to work and to life in general."*  
(Quote from an Irish Traveller)<sup>26</sup>

The Children's Society<sup>27</sup> identify three significant values and characteristics shared by most New Travellers: communal living (where resources and household responsibilities are shared); a desire to "tread carefully on the land" or "live closer to nature," and a respect and love of animals (especially dogs). Other significant shared values include: the rejection of consumer capitalism, a sense of discontent with the mechanics of many formal institutions, a desire to be "off-grid" and the pursuit for a more equal society. For some (but certainly not all) "New Age" beliefs are also present, and are strongly tied to their mode of dwelling, practices, and community;<sup>28</sup> representing another significant belief system associated with vehicle dwelling. Many Vehicle Dwellers structure their lives round such beliefs, representing a significant set of philosophical beliefs that are protected by the Human Rights Convention. Moreover, McAllister and I have found that many environmentalists have turned to vehicle dwelling in order to build their own low-impact dwellings, that use significantly less resources and more eco-friendly construction methods and materials.<sup>29</sup>

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Hattenstone and D. Lavelle. "I was sleeping in laybys: the people who have spent the pandemic living in vans." *The Guardian*. 25 May 2021 <<https://www.theguardian.com/lifeandstyle/2021/may/25/i-was-sleeping-in-laybys-the-people-who-have-spent-the-pandemic-living-in-vans>>

<sup>22</sup> Craft, op. cit., n.2; McAllister, op. cit., n.3

<sup>23</sup> Smart Communities, op. cit., n.4

<sup>24</sup> Id.

<sup>25</sup> Craft, op. cit., n.1 and n.2

<sup>26</sup> (McVeigh 1994, p. 95)

<sup>27</sup> The Children's Society, *Understanding New Traveller History and Culture* (2010)

<sup>28</sup> Zoe James identifies the significance of "New Age" beliefs. Z. James, "*New Travellers, New Policing? Exploring the Policing of New Traveller Communities under the Criminal Justice and Public Order Act 1994.*" (2004). See also: Clark, op. cit., n.10 and Hetherington, op. cit., n.12

<sup>29</sup> Craft, op. cit., n.1 and n.2; McAllister, op. cit., n.2

Similar economic practices are often found too, as many Vehicle Dwellers work at festivals, or generally having mobile working patterns. Indeed, it has been found that many Vehicle Dwellers today use their dwellings to carry out work in the festival and events industry or other seasonal work.<sup>30</sup> A review of New Traveller literature<sup>31</sup> identified that festivals constitute a key characteristic of New Traveller culture and economics. Indeed, the economic necessity of festivals for New Travellers has been compared to that of horse fairs for other Traveller groups.<sup>32</sup> Many of these festivals are located in the Welsh countryside.

*“I consider myself to be a Travelling Showman because the primary reasons for my travel is because of my work.”*

*Travelling Showman, Based on tolerated site in Forest of Dean*

Today, the festival industry makes up a significant part of the events industry, which is estimated to bring in £3 billion a year.<sup>33</sup> The industry is estimated to provide approx. over 32,000 jobs; representing a significant British economic and cultural resource. It is worth noting that all throughout history people have worked mobile occupations: being nomadic has *always* been an economic necessity for some people.<sup>34</sup> Some Vehicle Dwellers that I have spoken to consider themselves to be Travelling Showpeople, as they use their live-in vehicles to move around working in events and putting on shows in various locations. However, joining the Showman’s Guild – which was first established in 1889 under the name of the “Van Dwellers Association”<sup>35</sup> - requires at least two existing personal connections in this network. As the circus and other travelling shows have evolved, a lot of networks of Show People are effectively excluded from the guild today. It is also worth considering the impact of the Coronavirus pandemic on this group, who would normally have been accommodated on the various event sites they work on between April and September. This appeared to put more pressure on the roadside and other unauthorized locations during summer months, as this industry disproportionately suffered (and continue to suffer) from lockdown restrictions.

Moreover, there is much overlap between networks of people identifying (or identified) as “New Travellers” and “Vehicle Dwellers,” many of whom come together to work and perform at festivals or live on sites together. McAllister also found that two out of twelve “Vehicle Dwellers” she interviewed identified as “New Travellers.” There is also some overlap between Roma and Irish Traveller groups, some of whom also live among social networks of “New Travellers” or “Vehicle Dwellers;” often only revealing their heritage having developed some trust with those they disclose this to. It has been found that 3 out of 80 roadside vehicle dwellers in Glastonbury reported their ethnicity as “Gypsy” or “Roma” and 25 identified as Travellers.<sup>36</sup> These overlaps have been found in my own research across England and Wales, and elsewhere previously.<sup>37</sup> Therefore, while acknowledging and respecting cultural differences, it is important to note that there is some intermingling of these groups, and much diversity within them. Moreover, the term “vehicle dweller” serves as a

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<sup>30</sup> Craft, op. cit. n.1, n2, and McAllister, op. cit. n.2; Smart Communities, op. cit., n.4

<sup>31</sup> James, op. cit., n.24

<sup>32</sup> Ansell and Torkington, op. cit., n.24

<sup>33</sup> IBISWorld, *Festivals in the UK – Market Research Report*. (2020) at < <https://www.ibisworld.com/united-kingdom/market-research-reports/festivals-industry/>>

<sup>34</sup> Okely and Helleiner refer to a history of nomadic occupations indigenous to the UK: J. Helleiner. *Irish Travellers: Racism and the Politics of Culture*. (2000) 95; Okely, op. cit., n.15, p.13-14

<sup>35</sup> Mayall, op. cit., n.7

<sup>36</sup> Smart Communities, op. cit., n.6

<sup>37</sup> Ansell and Torkington, op. cit. n.24

usefully inclusive term which refers to all these overlapping groups, illuminating a shared characteristic: *the fact that they are living in vehicles, or have a history of doing so.*

### **Self-Provided Housing in Response to Economic Hardship**

*“It is insufficient to expose people’s traditions as recent, invented and therefore false...if the circumstances in which they are generated are not also considered.”*  
– Professor Judith Okely<sup>38</sup>

We know that self-provided housing has often grown in periods of economic and housing crises<sup>39</sup> and operate as a bottom-up solution to top-down malfunctions.<sup>40</sup> While some Vehicle Dwellers are carrying out mobile occupations or continuing a long-term lifestyle in alternative accommodation – signifying a cultural preference – my research (along with others) has found that many have cited “the housing crisis” as their reason for living in a vehicle.<sup>41</sup> Indeed, 54 of 80 of respondents in Glastonbury reported “unaffordable rent” as a key motivator to live in a vehicle.<sup>42</sup> Those escaping the housing crisis report “unaffordable” and precarious experiences of rented accommodation.<sup>43</sup> McAllister and I found that some Vehicle Dwellers had taken to the vehicle dwelling in order to maintain their existing lives in the city.<sup>44</sup> Others have used vehicle dwelling as an alternative to physical homelessness. In Glastonbury, vehicle dwelling was an alternative to rough sleeping, sofa surfing, and living in a tent or car for 15% of respondents.<sup>45</sup> One participant told me how her caravan was the first space that she had ever brought under control, being symbolic of a significant step forward after being in and out of homelessness for her entire life.

*“I know my caravan doesn’t look like much to most people, but for me it’s the first time I’ve ever felt at home.”*

*(Roadside Vehicle Dweller in Bristol)*

There has been talk of a “housing crisis” in Britain since the turn of the 21<sup>st</sup> century. The cause of the housing crisis is largely thought to be rooted in processes of the privatisation of social housing and the liberalisation of the mortgage market that took place in the 1980s – another neoliberal strategy.<sup>46</sup> The crisis is thought to have been amplified by the financial crisis of 2008.<sup>47</sup> This crisis is reflected in statistics and appears unusually pronounced in Bristol, which appears to be the epicentre of discussions about vehicle dwelling. Indeed, the

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<sup>38</sup> J. Okely, op. cit., n.15, p.20

<sup>39</sup> S. Duncan and A. Rowe, “Self-Provided Housing: The First World’s Hidden Housing Arm,” (1993) 30 *Urban Studies*, 1331

<sup>40</sup> T. Stevens. “Turning the Theory into Reality.” In *Self-Build Homes: Social Discourse, Experiences and Directions*, eds M. Benson and I. Hamiduddin (2017) 227

<sup>41</sup> Craft, op. cit., n.1; n.2; McAllister, op. cit., n.3; Smart Communities, op. cit., n.9

<sup>42</sup> Smart Communities, op. cit., n.6

<sup>43</sup> McAllister, op. cit., n.3; Smart Communities, op. cit., n.9

<sup>44</sup> Craft, op. cit., n.2; McAllister, op. cit., n.3

<sup>45</sup> Smart Communities, op. cit., n.6

<sup>46</sup> See M. Robertson, “The Great British Housing Crisis” (2016) 41 *Capital and Class*, 195

<sup>47</sup> C. Whitehead and P. Williams, “Causes and Consequences? Exploring the Shape and Direction of the Housing System in the UK Post the Financial Crisis” (2011) *Housing Studies*, 26 1157

latest rough sleeping snapshot<sup>48</sup> and revealed that Bristol remains in the top 3 cities for having the highest number of reported rough sleepers, with numbers continuing to increase between 2018 and 2019. This followed a 1000% increase in rough sleepers counted between 2012 and 2015<sup>49</sup>, in comparison to a 46% increase across the whole of England during the same time period. House prices increased by 56% between 2008 and 2018, compared to an average increase of 32% across the rest of the UK.<sup>50</sup> The same report also shows that private rental costs have increased at over double the rate of costs elsewhere in the UK.

In Wales more specifically, campaign group Cymdeithas yr Iaith has explained that caravans are becoming increasingly popular in a context whereby demand for holiday homes is increasingly leading to unaffordable housing.<sup>51</sup> Another news report shares the tale of a renter in Wales being forced into vehicle dwelling as a result of low income due to ill health.<sup>52</sup> Welsh caravan counts<sup>53</sup> do show a small increase in caravans between 2019 and 2020, however these figures are likely to involve significant dark figures. Professor Zoe James<sup>54</sup> – a key researcher in this field – has argued that it is problematic when trying to quantify such a transient (and often hidden) social groups like this. This appears to particularly problematic now that category usage has become so unclear and inconsistent, as many people no longer are identified as Travellers. Indeed, with what appears to be a disassociation of Traveller identity with newer vehicle dwellers, it is likely that this rise in vehicle dwelling may not be captured by official statistics in the same way as “New Travellers” were previously.

Moreover, statements about increased vehicle dwelling in response to housing crises in Wales is in need of further investigation. However, it has been shown recently that Wales is enduring a housing crisis,<sup>55</sup> which requires addressing through the provision of new homes. Therefore, for those who have provided their own homes via vehicle dwelling, Welsh authorities could utilise site provision as a way of housing people affordably. Moreover, there is an obligation for local authorities to provide sites under The Housing (Wales) Act 2014. However, caravan counts show that almost 10% of caravans counted remain on unauthorised sites.<sup>56</sup> The virtues of site provision will be covered in more depth later.

### **Vehicle Dwellers and the Law<sup>57</sup>**

Historically authorities have distinguished between different types of vehicle dweller. For example, old police reports from the late 1800s show that officers would distinguish between “Gypsies” and “Van-dwellers.” The former representing a distinct ethnic group, while the

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<sup>48</sup> Ministry of Housing, Communities and Local Government. *Rough Sleeping Snapshot in England: Autumn 2019*. (2020) at <<https://www.gov.uk/government/publications/rough-sleeping-snapshot-in-england-autumn-2019/rough-sleeping-snapshot-in-england-autumn-2019>>

<sup>49</sup> Bristol City Council, *More Than a Roof: Bristol's Housing Strategy 2016 – 2020*. (2016)

<sup>50</sup> Bristol City Council, *Housing Crisis – Bristol Housing Market and Trends*. (2018) at <<https://democracy.bristol.gov.uk/documents/s26782/Housing%20Crisis%20-%20Scrutiny%20Report.pdf>>

<sup>51</sup> R. Hoskin, “Life at the sharp end of rural Wales’ housing crisis,” *The National For All of Wales*, 9 April 2022, at <<https://www.thenational.wales/news/20057184.life-sharp-end-rural-wales-housing-crisis/>>

<sup>52</sup> S. Hattenstone and D. Lavelle. “I was sleeping in laybys: the people who have spent the pandemic living in vans.” *The Guardian*. 25 May 2021 <<https://www.theguardian.com/lifeandstyle/2021/may/25/i-was-sleeping-in-laybys-the-people-who-have-spent-the-pandemic-living-in-vans>>

<sup>53</sup> Welsh Government, “Gypsy and Traveller Caravan Count” (2020)

<sup>54</sup> Z. James, “Eliminating Communities? Exploring the Implications of Policing Methods Used to Manage New Travellers” (2005) 33 *International Journal of the Sociology of Law* 159

<sup>55</sup> Alma Economics. “The right to adequate housing in Wales: the evidence base.” (2021)

<sup>56</sup> Welsh Government, op.cit.n.52 (2020)

latter were defined as a “mode of living.”<sup>58</sup> However, it appears that these groups were amalgamated by the proposed Moveable Dwellings Bill in 1889, which sought to regulate and control all “rootless people”<sup>59</sup> in the name of public health.<sup>60</sup> It has been argued that the tendency to distinguish between nomads represents a “taxonomic device” that divides these groups, effectively *disempowering* them.<sup>61</sup> It appears that nomads are grouped together by blanket enforcement measures, but not provision.<sup>62</sup>

The process of distinguishing between “Vehicle Dwellers” and “Travellers” appears to have been adopted as a way of local authorities more recently to refuse responsibility for providing for these groups, while denying them the utility of protected characteristics. Vehicle Dwellers in Bristol have been found to express concern about these tactical disassociations.<sup>63</sup>

Interestingly, Mayall<sup>64</sup> notes how distinctions were made in response to the growth of New Travellers, as authorities were reluctant to provide sites for them under the Caravan Sites Act of 1968. However, when it comes to enforcement, it appears that all nomads are often grouped together through blanket anti-nomadic legislation. This includes top-down trespass laws, as well as bottom-up blanket injunctions that effectively ban all vehicle dwelling communities from entire areas.

For a long time, vehicle dwelling communities of all varieties have experienced much suspicion, hatred and rejection from wider society. This includes the prohibiting of “Egyptians” (or “Gypsies”) entering the UK in 1554, which included a death penalty for those who refused to leave when caught. Later, the 1824 Vagrancy Act subject all itinerants who could not “give good account” of themselves up to three months imprisonment. In 1899, the Commons (Inclosure) Act inhibited the nomadic way of life further, as spaces became more tightly controlled.<sup>65</sup> It wasn’t until the late 1960s, amid many other post-war “rights-based” policies,<sup>66</sup> that improvements were made. In 1968, The Caravan Sites Act imposed an obligation for local authorities to provide sites for Gypsies and Travellers. In practice this was problematic, as councils provided limited stopping places and often subject families to selective processes that arguably constituted a form of “ethnic cleansing.”<sup>67</sup> However, it appeared to be a step in a better direction overall.

By the early 1990s, after a decade of police brutality and media uproar, further legislation was introduced. The Criminal Justice and Public Order Act 1994 tightened the ways in which space could be used through new notions of trespass. As a result, life was made increasingly difficult for *all* travelling communities. The most significant changes were: the reduction of the number of vehicles allowed to congregate, increased eviction powers, new seizure powers, and the withdrawal of state site provision. Many New Travellers were pushed out of the UK<sup>68</sup> or into conventional housing<sup>69</sup> but many remain tucked away on sites, or on the road still today.

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<sup>58</sup> D. Cressy, *Gypsies: An English History*, (2018)

<sup>59</sup> Assael, op. cit. n. 42, p.41

<sup>60</sup> Mayall, op. cit., n.7

<sup>61</sup> Interview with S. Cemlyn in 1997, in: Ansel and Torkington, op. cit., n.13, p.91

<sup>62</sup> R. Craft, op. cit., n.1

<sup>63</sup> McAllister, op. cit. n.2

<sup>64</sup> Mayall, op. cit. n.7

<sup>65</sup> For a review of historical legislation, see: D. Mayall. *English Gypsies and State Policies*. (1995)

<sup>66</sup> Bancroft, op. cit., n.35, p.46

<sup>67</sup> Interview with J. Okely: G. Hutman, “The Dale Farm Eviction: Interview With Judith Okely on Gypsies and Travellers.” (2011) *Anthropology Today*, 27

<sup>68</sup> A. Dearling. *No Boundaries: New Travellers on the Road (Outside of England)* (1998)

<sup>69</sup> Z. James, op. cit., n.8; S. Cullen, P. Hayes, and L. Hughes. *Good Practice Guide: Working with Housed Gypsies and Travellers*. (2008) at



For decades, there have been repeated calls for more provision and less enforcement for Travelling communities, as high economic and social costs are reported.<sup>70</sup> For example, Morris and Clements found in 2002 that £6 million was reported to have been spent “dealing with” unauthorised encampments. They considered this to be a huge underestimation. There have been calls for an update on this figure,<sup>71</sup> but we are yet to see one.

I have personally witnessed an incredibly heavy-handed, resource intensive eviction of over 30 people identifying as both Travellers and Vehicle Dwellers in the city of Bristol. Despite entering productive conversations with local authorities to arrange an alternative location, the community were ambushed by hundreds of police and private bailiffs (many of whom were accompanied by dogs) at 5.30am in the morning. Unfortunately, a FOI request was made to find out the cost of this eviction, but the police claimed that no separate costing was recorded because their attendance was part of standard policing duties. However, I observed a particularly expensive array of servicemen and equipment being called on by the enforcement during this eviction. For example, a crane was hired to remove a protestor from a tripod and numerous drones were spotted leading up to the eviction in addition to the “*sea of bailiffs with dogs*” (as another observer worded it) that I saw on the roadside that morning.

Moreover, it has also been found that police often lack the resources to carry out evictions under existing legislation, and often avoid using this power entirely. This can lead to informal tactics that are less accountable, and are often carried out by local authorities instead.<sup>72</sup> This includes the use of physical obstructions to land that may be (or has been) used by vehicle dwellers. In Glastonbury, the council was reported<sup>73</sup> to have spent over £50,000 on placing boulders along a grassy verge to obstruct “peaceful travellers” from parking. This has also been observed in St Werburghs in Bristol, where caravans were cleared to make way for a cycle path which remains (months later) obstructed with large obstructions, such as bath tubs. The inaccessibility of the cycle path months later suggests that the use of the cycle path was likely to have been subordinate to the clearing of vehicle dwellers, signalling potential discrimination. As more spaces are rendered inaccessible, encampments are often displaced and can become more concentrated; sometimes inducing public discontent.

*“The council started restricting parking all over the city. We used to be a lot more spread out. They also shut down all the public toilets and recycling facilities, which made it harder for some people to manage their waste. Now we see huge concentrations of vehicle dwellers in certain areas, which then leads to enforcement.”*

*(James, “born and bred Bristolian,” Vehicle Dweller now based on an authorised site in West Wales after “giving up” on Bristol)*

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<[http://england.shelter.org.uk/\\_\\_data/assets/pdf\\_file/0010/57772/Working\\_with\\_housed\\_Gypsies\\_and\\_Travellers.pdf](http://england.shelter.org.uk/__data/assets/pdf_file/0010/57772/Working_with_housed_Gypsies_and_Travellers.pdf)>

<sup>70</sup> See R. Morris and L. Clements, *At What Cost? The Economics of Gypsy and Traveller Encampments* (2002) for a comprehensive account of social and economic costs of not providing sites.

<sup>71</sup> J. Richardson and J. Codona. *Providing Gypsy and Traveller Sites: Negotiating Conflict*. (2016)

<sup>72</sup> Z. James, op. cit., n. 8; Z. James, “Eliminating Communities? Exploring the Implications of Policing Methods Used to Manage New Travellers” (2005) 33 *International Journal of the Sociology of Law* 159-168; Z. James, “Policing Space – Managing New Travellers in England.” (2006) 46 *British Journal of Criminology* 470-485

<sup>73</sup> A. Gladwin. Glastonbury Rocks: £50K Boulders to Stop “Peaceful” Travellers. Metro News. 12 April 2019 at <<https://www.metro.news/glastonbury-rocks-50k-boulders-to-stop-peaceful-travellers/1516627/>>

*One day a group of new caravans had arrived next to us. I wondered why there were so many all of a sudden. We were told that it would be likely that we would see more vehicles here arrive soon, as locals were lobbying enforcement officers to clear another street in another part of town.*

*(Fieldnotes – Glastonbury)*

Significant economic and social costs have been identified with regards to managing unauthorised sites – which increase in the absence of authorised sites.<sup>74</sup> For example, clearing costs can be magnified due to structural barriers that exclude nomadic communities from waste collection services.<sup>75</sup> We see a general theme in the literature where vicious circles are in operation, which are largely caused (and exacerbated) by the policy context which reflects and fuels discrimination.<sup>76</sup>

For example, there have been concerns expressed regarding the use of “Anti-Social Behaviour” legislation, as vehicle dwellers are often discriminated against by locals<sup>77</sup> and are considered anti-social because their lifestyles deviate from the norm.<sup>78</sup> Indeed, what is “anti-social” is open to interpretation, and problems associated with authorised sites often amplify the perception of “anti-social behaviour.”<sup>79</sup> I have found that Vehicle Dwellers often experience discrimination, even if it is sometimes “misdirected” at them.<sup>80</sup> It is also worth noting, that the lack of waste collection facilities, and the poor environments that these groups are sometimes forced to live in can contribute to negative perceptions of these communities, as well as poor physical and mental health; generating horrendous “vicious cycles.”<sup>81</sup>

However, it is worth noting that my own fieldwork experiences reveal that most New Travellers - or “Vehicle Dwellers” – manage their waste well. In fact, I have witnessed impressive DIY waste management strategies, with an entire thesis chapter emerging on DIY waste management. For example, I have witnessed the use of “eco bricks” (whereby unrecyclable plastics are compressed into bottles to make building blocks). I have also observed people that I have lived with, for example: reusing plastic containers for an array of purposes, collecting and melting aluminium cans for reuse, recycling broken glass to make effective polytunnel flooring or stained glass artefacts, and making sculptures out of scrap metal. In addition to this (or sometimes alternatively) many utilise public recycling facilities or facilities provided by friends and employers. Many vehicle dwellers also use compost toilets, the contents of which can be used to grow food, meaning that what is waste for many becomes a *resource* instead. It is also common for Vehicle Dwellers to use scrap and waste abandoned by house dwellers

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<sup>74</sup> See R. Morris and L. Clements, *At What Cost? The Economics of Gypsy and Traveller Encampments* (2002) for a comprehensive account of social and economic costs of not providing sites.

<sup>75</sup> H. Crawley, *Moving Forward: The Provision of Accommodation for Gypsies and Travellers*. (2004)

<sup>76</sup> Bancroft, op. cit. n.35

<sup>77</sup> B. Forrester, “The Crime and Disorder Act 1998” In eds. R. Morris, L. Clements, and L. Morris. *Gaining Ground: Law Reform for Gypsies and Travellers*. (1999) 99

<sup>78</sup> S. Cemlyn, M. Greenfields, S. Burnett, Z. Matthews, and C. Whitwell, *Inequalities Experienced by Gypsy and Traveller Communities: A Review*. (2009) At <[https://www.equalityhumanrights.com/sites/default/files/research\\_report\\_12inequalities\\_experienced\\_by\\_gypsy\\_and\\_traveller\\_communities\\_a\\_review.pdf](https://www.equalityhumanrights.com/sites/default/files/research_report_12inequalities_experienced_by_gypsy_and_traveller_communities_a_review.pdf)>

<sup>79</sup> CRE, op. cit. n.61

<sup>80</sup> This is a theme coming through in my current work, having been explored already in my Msc Dissertation: Craft, op. cit., n.2

<sup>81</sup> Id.

when kitting out their conversions. This demonstrates further environmentalist values associated with vehicle dwelling. It also illustrates ways in which many members of this community save local authorities significant costs on waste collection, as they manage their own waste effectively. Interestingly, for those who had access to authorised land, waste appears to be easier to manage: I have witnessed more innovative waste management practices in places where people had permission to reside on the land.

I have also observed roadside vehicle dwellers in numerous locations carry out regular litter picks, effectively meaning they also deal with waste that is not theirs too. However, I also regularly find posts on social media as angry locals claim that they are disgusted with waste they believe to have been left by Travellers. Sometimes this waste is most implausibly connected to the Vehicle Dwellers. For example, often household appliances that are *unusable* in a live-in vehicle – such as large washing machines – are dumped outside of caravans and vans. Despite such appliances quite clearly being useless to a vehicle dweller, members of the public often assume that they are guilty for flytipping practices like this. I have personally witnessed rubbish being flytipped outside of vehicles by unknown culprits. It has also been found elsewhere that much flytipping is often wrongly tied to encampments.<sup>82</sup>

*After enjoying a cup of tea with Josh, we stepped outside the truck to unlock my bike. As he jumped out he cried “oh for god’s sake, not again!” In the couple of hours that we had been inside, someone had dumped a large bin bag of waste outside his truck. He opened the bag to find a heap of pharmaceutical waste (mostly comprised of empty blister packaging). He told me how this was not the first time that someone had dumped waste next to his home. “The annoying thing is, I’m the one who will get the blame for this if someone kicks off about it. I best deal with it.”*

*Fieldnotes - Bristol*

## **The Benefits of Tolerating and Providing Sites**

Despite the heavy impact of problems associated with existing enforcement, we are now seeing plans to further criminalise people living in vehicles under the Police, Crime, Sentencing and Courts Act 2022. Recently, 78.3% of police expressed objection to proposals to further criminalise trespass through this act, and 93.7% saw site provision as the solution to problems associated with unauthorised encampments.<sup>83</sup> Indeed, well-planned – and preferably community led<sup>84</sup> – site provision can function as effective alternative housing that allows people to preserve their culture.<sup>85</sup>

Firstly, it is worth considering the significant savings on housing benefit local authorities already experience due to people providing their own housing in vehicles. Indeed, Vehicle Dwellers are explicitly excluded from Housing Benefit, which (in Cardiff) can range from £285.36 per month for under 35s in “shared” accommodation to £874.52 per month for

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<sup>82</sup> H. Crawley. Op. cit. 75

<sup>83</sup> V. Gilmore, A. Kirkby, and B. Dolling, *Police Renew Calls for More Gypsy and Traveller Sites in Opposition to the Criminalisation of Unauthorised Encampments*. (2020) at <<https://www.gypsy-traveller.org/wp-content/uploads/2020/09/Full-Report-Police-repeat-calls-for-more-sites-not-powers-FINAL.pdf>>

<sup>84</sup> J. Richardson and J. Codona, *Managing and Delivering Gypsy and Traveller Sites: Negotiating Conflict*. (2016)

<sup>85</sup> Department for Local Communities and Government (2007)

families needing 4 bedroom accommodation”<sup>86</sup> Moreover, in 1998, Bristol City Council saved over £190,000 per year on eviction and clean-up costs by providing one site.<sup>87</sup> Indeed, authorised sites can reduce the number of unauthorised encampments, reducing costs and tensions. They can also provide safer living arrangements for these communities.<sup>88</sup> This has also been found in Bristol, where vehicle dwellers on an authorised site were found to report feeling more safe and secure.<sup>89</sup> Well-managed sites can also remedy tensions between nomads and the settled community.<sup>90</sup>

Many Vehicle Dwellers in Bristol cited access to sites as their preferred future accommodation,<sup>91</sup> while most respondents in Glastonbury also cited “sustainable living with owned/rented land to be self-sufficient” as their “preferred type of accommodation.”<sup>92</sup> This reflects environmentalist values that are present amongst many Vehicle Dwellers and New Travellers. Many Vehicle Dwellers want to buy land, which they are saving up to purchase as an alternative to a mortgage deposit.<sup>93</sup> Some have done so already, but struggle to get planning permission. Vehicle dwelling communities often fail to develop their own sites. Gypsies and Travellers generally have their planning applications rejected more, and those successful are often only granted once appealed.<sup>94</sup> I found that Vehicle Dwellers in Bristol have also struggled to get planning permission.<sup>95</sup> Many discriminatory sentiments were found to be overtly expressed during planning meetings that I attended to observe. These sentiments appeared to have much leverage, as locals rallied against a Circus collective who wanted to develop a site with 20 pitches and circus learning and performing opportunities in an area in need of more opportunities.

In response to a largely unworkable planning context, many Vehicle Dwellers have left the UK: a process which has been in train since the 1990s<sup>96</sup> constituting a kind of “exodus.”<sup>97</sup> However, many have moved to Wales, where they find greater access to land and planning. Wales remains a refuge for Travellers, sustaining a tradition of self-provided housing via the innovative One Planet Development Policy.<sup>98</sup> While this new planning mechanism offers much hope and opportunity, it is worth noting that this process is not accessible for everyone as it relies on specific skill sets in order to put forward successful applications. Assistance for Travellers and Vehicle Dwellers developing OPDs would be advisable.

Moreover, in addition to site provision, temporary roadside locations can also be successfully negotiated. I have also found that levels of anti-social behaviour can *decrease* when

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<sup>86</sup> See: <https://www.cardiff.gov.uk/ENG/resident/Benefits-and-Grants/Housing-Benefit/How-Housing-Benefit-is-worked-out/Pages/default.aspx>

<sup>87</sup> Department for Local Communities and Government (2007)

<sup>88</sup> Richardson and Codona, op. cit., n.72 and Crawley, op. cit., n.64

<sup>89</sup> Craft, op. cit., n.2

<sup>90</sup> CRE, op. cit., n.61

<sup>91</sup> McAllister, op. cit., n.3

<sup>92</sup> Smart Communities, op. cit., n.6

<sup>93</sup> Craft, op. cit. n.1, n2, and McAllister, op. cit. n.2; Smart Communities, op. cit., n.6

<sup>94</sup> A. Bancroft, op. cit., n.49; A. Murdoch, *Gypsies and Planning Appeals: The Right to a Fair and Impartial Hearing*. (2002) September. *Journal of Planning and Environmental Law*. 1056; M. Greenfields and M.

Brindley, *Impact of Insecure Accommodation and the Living Environment on Gypsies and Travellers Health*.

(2016); I also found that Vehicle Dwellers in Bristol struggled to access planning permission: Craft, op. cit. n.12

<sup>95</sup> Craft, op. Cit., n.2

<sup>96</sup> A. Dearling, op. cit., n.53

<sup>97</sup> D. Smith and M. Greenfields, *Gypsies and Travellers in Housing: The Decline of Nomadism*. (2013) 24

<sup>98</sup> E. Forde. “From Cultures of Resistance to the New Social Movements: DIY Self-build in West Wales. In eds. Benson and Hamiduddin, op. cit., n.27 81-97

symbiotic relations are fostered between vehicle dwellers, local authorities and people living in bricks and mortar. For example, a group of roadside wood carvers that I have spent much time with are welcomed by South Oxfordshire council on a regular basis due to the exercise of care for the land they exhibit. For example, by cutting back overgrowth on arrival and leaving the space tidier than it was found on arrival. The council have also reported a reduction of anti-social behaviours that normally take place in the space where they usually park, signalling other potentially beneficial outcomes of tolerating roadside living in suitable places. This local authority also provide the carvers with waste wood from local tree surgery jobs; representing yet another way that local authorities can develop symbiotic relationships with Vehicle Dwellers who are more mobile.

An alternative strategy worth mentioning here, is the innovative “Negotiated Stopping” policy in Leeds. This has been reported to be very successful, and presenting a more suitable framework for working with roadside encampments. This policy uses negotiation and agreement as an alternative to problematic enforcement. This policy saved £238,000 a year in policing and local authority, while achieving better community cohesion.<sup>99</sup> With the presence of reliable, active community and advocacy groups in Wales, such processes could be facilitated effectively.

## **Conclusion**

In conclusion, having reviewed research in this field and other relevant findings, it is clear that many people across England and Wales live in vehicles for different but often essential reasons. Many are preserving their cultural heritage, having been born into this way of life. Others have decided to move into a vehicle to suit beliefs and values that they have adopted as adults. Some live in vehicles to carry out mobile occupations. Others have provided themselves housing amid the escalating housing crisis. All of which representing respectable and often essential reasons underlying this lifestyle.

Moreover, significant connections between New Travellers and Vehicle Dwellers have been found, who often live amongst other ethnic Travelling groups who may also be labelled as “Vehicle Dwellers.” All of these groups will be affected by the Police, Crime, Sentencing and Courts Act 2022 which targets people residing in vehicles. Moreover, it was found that contemporary studies of Vehicle Dwellers revealed similar findings to studies carried out on other vehicle dwelling groups, such as Gypsies and Travellers. Particularly with regards to enforcement and the experience of unstable accommodation induced by enforcement and a shortage of authorised stopping places.

A review of existing research suggests that alternatives – such as negotiated stopping and site provision - would be beneficial and cost-effective alternative to problematic enforcement. Vehicle Dwellers can be considered a new generation of New Travellers who require provision and respect much like other communities. Local authorities must embrace the diversity of the forever changing composition of their populations. Affordable bottom-up self-provided housing can reduce costs while bringing about innovative, environmentally friendly new ways of living revealing yet another way to manage escalating housing crises. Indeed, there are many skills that can be harnessed from these communities which can benefit areas in many ways, and Wales already has planning mechanisms to facilitate this.

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<sup>99</sup> See LeedsGATE, *Negotiated Stopping and ABCD* (2017)