

## **FORCED EVICTION OF GYPSY AND TRAVELLER COMMUNITY OF DALE FARM, UK, APPROVED AT A COST OF £18 MILLION**

On Monday 14 March local authority Basildon Borough Council (BBC) voted 28 to 10 to forcibly evict 86 families from the largest Romani Gypsy and Irish Traveller site in the UK – Dale Farm. The 28-day eviction notices can be served at any time now.

The settlement, with about 1000 residents, extends onto land owned by the community but half of it does not have planning permission. Part of this land was a licensed scrap yard located within what is classified as Green Belt land. The community has been occupying the site for more than eight years, during which BDC and the Secretary of State for Communities and Local Government refused to grant planning permission for the unauthorised portion of the settlement on the basis of the harm that may be caused to the Green Belt.

The decision by the Council to take direct action pursuant to the Town and County Planning Act of 1990 was challenged resulting in the High Court quashing the respective order by Basildon Borough Council on 5 May 2008. However, the judgement was subsequently overturned with the decision to evict being upheld by the Court of Appeal on 22 January 2009. An application for permission to appeal to the House of Lords was refused on 14 May 2009. On 29 June 2010, BBC selected a private bailiff company, Constant and Co. (Bedford) Ltd, to undertake planning enforcement action and evict the residents.

It is widely acknowledged that since the duty on local authorities to provide Gypsy and Traveller sites was abolished in 1994, public site provision has ground to a halt and the number of pitches available declined. The Gypsy and Traveller Accommodation Assessments (GTAAs) have demonstrated a significant shortage of site accommodation in most parts of England and suggested the need to add at least half, as many authorised pitches as currently exist over a five-year period.

Since the Court of Appeal handed down its decision in the case negotiations have taken place in 2009/2010 between BBC and other interested parties including the Local Government Association, Homes & Communities Agency, Gypsy Council and representatives of the Dale Farm site. One Home & Communities Agency owned site was identified and two sites owned by Essex County Council were under investigation. In 2010 BBC withdrew from the negotiations on the basis that there had been a breach of the agreement that the discussions be conducted in secret. The reason given for abandoning negotiations, which had made progress, is unreasonable and unjustified. Had these negotiations continued throughout 2010, suitable alternative land would have now been identified, temporary or even planning permission sought and given, and some if not all the residents could have by now already moved off the unauthorised land at Dale

Farm and onto the identified suitable alternative land.

Joe Jones, Chair of the Gypsy Council, states that “the travellers themselves are being required to identify their own sites and apply for planning application. BBC is only keen to accept the relocation of the families to new sites on a temporary basis, as it does not want them living within the District boundaries. Thus BBC is imposing discriminatory requirements for the development of the new sites such as limitations in the sizes of the pitches and the number of families”.

It is an ‘inside/outside, an ‘us and them’ construction of the relationship between Gypsies and Travellers and the settled community that the Council tries to entrench in planning directives.

Notwithstanding the Council omission to assist the community in identifying suitable alternative land, the Dale Farm Housing Association, with the support of the Gypsy Council, has applied for planning permission for the use of Pound Lane site – located in Basildon district – for accommodation. Most of the Dale Farm residents are vulnerable and poor and they may be unable to afford to meet the costs of identifying sites and applying for planning permission, as they are very expensive.

## **THE COST OF HOMELESSNESS**

The financial implications of the forced eviction operation, estimated at £18 million, will have a devastating effect on the provision of services to the whole population of Basildon. Most importantly, such costs do not include the provision of adequate alternative accommodation for the families affected by the eviction. Around 86 families including 110 children will be thrown on to the road. £8 million will be spent in Council costs (bailiff services, ambulance, fire safety appliances, advice and liaison facility, operational contingency, temporary accommodation, etc.) and £10 million in policing costs. The request for such extra funds made by the Essex Police to the Home Office has not been decided yet.

As for the Council costs, the taxpayer is being asked to pay in order to deliberately make people homeless. Although BBC has not disclosed its figures, local media says that more than one hundred Basildon Council jobs are likely to be axed to help the local authority cope with budget cuts. According to the report by the leader of the Council the allocation of £3.5m to meet the initial identified cost of the eviction will reduce the balance on the contingency reserve to half - from £7m to £3.5m at 31 March 2012.

For Joseph G. Jones, Secretary of the Gypsy Council, “The Basildon community is being asked to pay millions to make vulnerable people homeless, and at the same time sacrifice their own jobs. It just doesn’t make any sense”.

## HUMAN RIGHTS OBLIGATIONS

BBC says that there is no requirement on them to provide alternative sites to the Travellers following a site clearance but many international human rights bodies and mechanisms have written to the UK government stating otherwise. The UN Committee on the Elimination of Racial Discrimination considered Dale Farm under its early warning and urgent mechanism and has expressed concern about the eviction. It urged the UK government to consider suspending any planned eviction until an adequate solution is achieved and to designate alternative sites that are adequate, suitable for relocation and compatible with the culture and traditions of the people affected. The UN Special Rapporteur on Adequate Housing has also written to the government and a member of an Advisory Committee of the Council of Europe visited the site one week ago.

The UK is a State Party to the International Covenant of Economic, Social and Cultural Rights, the Convention on the Elimination of Racial Discrimination and the European Convention of Human Rights. All these instruments impose negative and positive duties upon the State regarding housing rights, security of tenure, protection of family life, participation and non-discrimination. It has also serious duties arising from the Race Relations Act 1976 and the Equalities Act 2010 to have due regard to promoting equality of opportunity for persons of different groups, fostering good relations between persons of different racial groups and eliminating discrimination.

The Council's housing obligations, as the primary authority in the UK responsible for tackling homelessness, include the consideration of suitable temporary alternative accommodation, to be made readily available to those in need who have applied to it as being threatened with homelessness. The assessment of the individual needs and circumstances of the residents of Dale Farm dates from 2007 and is out of date and in need of renewal. There are many families suffering from severe illness and other vulnerabilities have recently been detected on the site.

Leticia Osorio, from the Essex Human Rights Clinic says: "this is an millionaire forced eviction, carried out against a poor and vulnerable ethnic community, without assessing or considering their needs, which will render elder and children homeless due to the lack of provision of alternative suitable accommodation by the competent authority, seems to be totally incompatible with human rights requirements and public austerity".

In agreeing to refrain from enforcement action would allow BBC to comply with its duties to homeless residents as well as with other relevant obligations under national and international human rights law.

As stated by the Council of Europe's Commissioner for Human Rights in 2004 "Gypsies would appear to be the last ethnic minority in respect of which openly racist views can still be acceptably expressed". In the Dale Farm case ethnic cleansing is being achieved through the mundane but potent mechanism of planning law and policy.

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## **Sample Letter**

Dear Mr. Bala Mahendran, Chief Executive of Basildon District Council,

### **Re: Suitable Accommodation instead of Forced Eviction Save Dale Farm!**

I have heard of the decision of Basildon Borough Council to proceed with the forced eviction of the Gypsy and Traveller community of Dale Farm, Essex. I/We ask the Basildon Council to halt the eviction plan and take immediate steps to facilitate a fair and peaceful negotiation with the residents so as to achieve a solution that complies with human rights standards and meets their needs. The United Kingdom is a State party to the International Covenant on Economic Social Cultural Rights (ICESCR) and under Article 11(1) all authorities in the UK are therefore obliged to refrain from the practice of forced evictions, and to prevent homelessness. Evictions can only be justified under very exceptional circumstances and these include, among others, the provision of alternative affordable and culturally adequate accommodation, and adequate compensation for the loss of homes and land. A great deal of public money - £8 million - and effort could be avoided if suitable adequate alternative land is provided to the many residents of Dale Farm who have applied to the Council as being threatened with homelessness.

Before electing to continue to proceed with forced eviction BBC should resume negotiations, which has been proven as a viable and meaningful alternative to find adequate accommodation for the affected families.

I/We therefore urge you to intervene in this matter and to ensure that the 28-day notices are not served and that no eviction take place, and instead peaceful negotiations are established with the residents of Dale Farm and their representatives until an acceptable agreement for relocation is reached.

Yours sincerely,

[Name]

[Address] [and/or Organisation]

[Country] [Email]