



# The Gypsy and Traveller Community: Duties and Powers of Local Authorities

The legal rights of communities and solutions for  
successful co-existence

London - 16 October 2012

6 CPD Hours



# OUTLINE

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Failure by local authorities to properly address the needs and rights of the Gypsy and Traveller community can lead to confrontation and conflict and ultimately to costly and high profile cases such as the Dale Farm evictions. Failure by Gypsies and Travellers to comply with planning obligations regularly results in clashes with the settled community and the authorities.

This one-day conference brings together experts on the law as it affects Gypsies and Travellers, focusing in particular on planning policy and enforcement and housing.

Aimed at lawyers representing both individuals and local authorities it explains who the Gypsies and Travellers are, their rights and obligations at law and how their requirements can be fulfilled lawfully.

# CHAIRMAN/SPEAKERS

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**CHAIRMAN: Clive Moys** qualified as a solicitor in 1988 and worked in local government for 10 years before qualifying as a barrister in 1998. Clive practises in, among other things, property, planning and local government and has acted in inquiries and enforcement action both for and against local planning authorities including in relation to occupation of land by Gypsies. He has considerable experience of obtaining and resisting planning injunctions and of planning prosecutions.

**Adam Heppinstall** has particular expertise dealing with trespasser eviction and rights of way. He has represented a range of large private and public sector property owning bodies and also acts for householders, farmers and tenants. He has advised several local authorities in respect of their housing policies and FOI/DPA procedures and is recommended by the Legal 500 which describes him as “*calm, measured and extremely competent*” and by Chambers UK where he is described as “*tactically astute*” and “*very bright*” providing “*clear, sensible advice*”.

**Chris Johnson** is a solicitor and partner at Community Law Partnership in Birmingham. He is the leader of the Travellers Advice Team which operates a national telephone advice line and has dealt with some of the leading cases in the area of Gypsy and Traveller Law, including in the House of Lords and Supreme Court. Chris writes and trains regularly on Gypsy and Traveller Law and is co-editor and co-author of the *Legal Action* book on the subject. He has been shortlisted three times for Social Welfare Lawyer of the Year.

**Timothy Jones** is a barrister at No 5 Chambers (Birmingham, London and Bristol). He specialises in planning and public law on which he has written and lectured widely and is recommended by Chambers 2012. He was counsel in the cases of *Buckley v UK* and *Chapman v UK*. He is a co-author of the chapter on town and country planning in ‘*Gypsy and Traveller Law*’.

**Marc Willers** specialises in planning law, public and administrative law and human rights with a particular emphasis on the representation of Gypsies, Travellers and Roma. He is ranked as a leading barrister in both Chambers and the Legal 500 in planning law. Marc represented the Irish Travellers living on Dale Farm in their judicial review of the decision to use direct action to evict them from their properties. Marc is the co-editor and co-author of a book entitled *Gypsy and Traveller Law*. He won the Legal Aid Lawyer of the Year Award 2011.

# PROGRAMME

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- 9.00 Registration and Coffee**
- 9.30 Chairman's Welcome and Introduction**  
*Clive Moys, Radcliffe Chambers*
- 9.45 Who are Gypsies and Travellers?**
- Introduction and background
  - Defining Gypsies in law  
*Marc Willers, Garden Court Chambers*
- 10.15 Gypsies and Travellers' Rights**
- Human Rights Act 1998
  - Equality Act 2010
  - Access to justice for Gypsies post LASPO
  - Healthcare and education  
*Marc Willers, Garden Court Chambers*
- 11.15 Coffee**
- 11.30 Planning Law and Policy Update**
- Localism Act 2011
  - The Duty to Cooperate
  - National Planning Policy Framework
  - Planning policy for Traveller sites  
*Timothy Jones, No5 Chambers*
- 12.15 Enforcement of Planning Control**
- Regulation of Investigatory Powers Act 2000 and covert surveillance
  - Injunctive relief
  - Direct action - lessons from Dale Farm
  - Committal  
*Adam Heppinstall, Henderson Chambers*
- 1.00 Questions**
- 1.15 Lunch**
- 2.15 Security of Tenure on Local Authority Sites**
- *Connors v UK* and the argument for security of tenure;
  - Introduction of the Mobile Homes Act 1983 on local authority sites;
  - Other rights and obligations.  
*Chris Johnson, Community Law Partnership*
- 3.00 Evictions from Unauthorised Encampments**
- The Law
  - Planning policy and guidance
  - Practical issues and timing
  - The aftermath - recovery of costs by sale  
*Clive Moys, Radcliffe Chambers*
- 3.45 Tea**
- 4.00 Homelessness and Gypsies in 'Bricks and Mortar'**
- How does homelessness affect Gypsies and Travellers?
  - Entitled or permitted?
  - Intentionality
  - Suitability of accommodation, cultural aversion to conventional housing and the case of *Sheridan v Basildon*  
*Chris Johnson, Community Law Partnership*
- 4.45 Chairman's Concluding Remarks and Questions**
- 5.00 Conference Close**

# BOOKING FORM

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The Gypsy and Traveller Community 16 October 2012, London

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