

**Comments on Proposed Lewisham PSPO  
June 2023**

London Gypsies and Travellers (LGT) is a charity which challenges social exclusion and discrimination, working for change in partnership with Gypsies and Travellers. LGT works with the community and a range of trusted partners to contribute to the development of local, regional and national policy.

We wish to respond to the consultation on the proposed Lewisham PSPO, to express our concerns about the inclusion of the following clause as one of the behaviours prohibited by the Order at Borough-wide level:

*Proposed Measure: Any person who, without reasonable excuse, occupies any vehicle, caravan, tent or other structure on public land owned or managed by the London Borough of Lewisham, without prior authorisation from the London Borough of Lewisham, commits an offence.*

We are worried that this will disproportionately affect members of Romany Gypsy and Traveller communities for whom living in a vehicle or caravan is an integral part of their culture and traditional way of life, and those who are nomadic or homeless, and have nowhere safe and suitable to stop in the Borough. There is currently no provision of culturally suitable accommodation such as transit sites or stopping places for nomadic communities in Lewisham. In the absence of transit sites, stopping places or negotiated stopping policies, many Gypsies and Travellers who want to pursue their nomadic way of life, or those who have no authorised caravan sites to live on and are effectively homeless, are often forced to resort to stopping on open and green spaces.

The use of PSPOs to prohibit unauthorised encampments has been analysed by legal experts in this field and considered to be potentially unlawful. Please refer to this article from Community Law Partnership which sets out the legal opinion:

<https://www.communitylawpartnership.co.uk/news/the-unlawful-use-of-public-spaces-protection-orders>

Recent judgments in the High Court and Court of Appeal regarding Borough-wide injunctions against 'persons unknown' occupying land, have highlighted the

disproportionate impacts on the Romany Gypsy and Traveller groups of a blanket ban from stopping on land, and have highlighted the steps that Local Authorities need to consider before seeking such extensive powers. The guidance provided by the Court of Appeal in the case LB Bromley v Persons Unknown requires Local Authorities to look at the provision of transit sites or negotiated stopping, carry out Equality Impact Assessments and effective engagement with Gypsies and Travellers who resort to the area, among other measures. More information can be found here

<http://www.londongypsiesandtravellers.org.uk/news/2020/01/21/injunctions-criticised-in-landmark-ruling/>

For these reasons, we would strongly recommend that Lewisham Council removes the above clause referring to 'illegal/unauthorised encampments' from the PSPO and explores alternative approaches to managing encampments. For example, negotiated stopping is a balanced and humane approach, based on a mutual agreement between the local authority and Gypsy and Traveller families on what short term accommodation is appropriate, fair and in the best interests of all residents. This involves dialogue with families, providing waste disposal and basic temporary facilities, and sometimes directing Gypsy and Traveller families away from contentious public spaces to more appropriate council land. Please refer to our report 'The potential for negotiated stopping in London' for further information about this approach:

[http://www.londongypsiesandtravellers.org.uk/wp-content/uploads/2019/11/LGT\\_report\\_28Nov\\_web.pdf](http://www.londongypsiesandtravellers.org.uk/wp-content/uploads/2019/11/LGT_report_28Nov_web.pdf)

We would welcome a further conversation with the Local Authority on the issue of accommodation need for Gypsy and Traveller people in Lewisham, both in terms of permanent sites and temporary stopping places, to explore how an alternative to enforcement and criminalisation could be put in practice.